

No. 26-_____

IN THE SUPREME COURT OF THE UNITED STATES

MIRSAD RAMIC

PETITIONER,

v.

UNITED STATES OF AMERICA,

RESPONDENT.

ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

APPENDIX TO
PETITION FOR A WRIT OF CERTIORARI

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UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee/Cross-Appellant,</i> v. MIRSAD RAMIC, <i>Defendant-Appellant/Cross-Appellee.</i>	}	Nos. 25-5392/5471
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Appeal from the United States District Court
for the Western District of Kentucky at Bowling Green.
No. 1:21-cr-00013-1—Gregory N. Stivers, District Judge.

Argued: April 30, 2026

Decided and Filed: May 13, 2026

Before: GIBBONS, THAPAR, and LARSEN, Circuit Judges.

COUNSEL

ARGUED: Joshua M. Reho, WESTERN KENTUCKY FEDERAL COMMUNITY DEFENDER, INC., Louisville, Kentucky for Mirsad Ramic. Amanda E. Gregory, UNITED STATES ATTORNEY’S OFFICE, Louisville, Kentucky, for the United States. **ON BRIEF:** Frank W. Heft, Jr., Scott T. Wendelsdorf, OFFICE OF THE FEDERAL DEFENDER, Louisville, Kentucky, for Mirsad Ramic. Amanda E. Gregory, UNITED STATES ATTORNEY’S OFFICE, Louisville, Kentucky, for the United States.

OPINION

THAPAR, Circuit Judge. Over a decade ago, a new wave of terrorism spread across the Middle East. A group calling itself the Islamic State of Iraq and Syria (ISIS) sought to establish

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a new regime strictly governed by Islamic law. To do so, ISIS employed brutal tactics—planting bombs, publicly decapitating its enemies, burning people alive, and enslaving women and children. It also launched vicious attacks to conquer territory in Iraq and Syria. And it recruited fighters from around the world to perform these acts of terrorism.

Mirsad Ramic was one such fighter. He traveled from the United States to Syria, where he participated in an attack that claimed over 100,000 lives. The United States eventually prosecuted him for providing material support to a terrorist group and receiving military-type training from that group. For those crimes, Ramic faced an advisory sentence of 360 to 600 months’ imprisonment under the Sentencing Guidelines. But the district court sentenced Ramic to only 101 months in prison. Because the district court’s substantial variance is substantively unreasonable, we vacate his sentence and remand for resentencing.

I.

Mirsad Ramic grew up in Bosnia during a civil war. That conflict involved genocide and war crimes targeted at minority groups, including Bosnian Muslims like Ramic and his family. In fact, Ramic’s father was killed during this conflict. So once the war concluded, the United States offered Ramic and his family a fresh start by granting them refugee status. Ramic’s family ultimately settled in Bowling Green, Kentucky, a city with a vibrant population of other Bosnian refugees. Eventually, Ramic became a naturalized U.S. citizen, but he was unhappy with his American life.

Rather than embracing the privilege of American citizenship, Ramic embraced the extremist views of terrorist groups trying to destroy the United States and its allies. During his naturalization ceremony, Ramic refused to recite the oath of allegiance to the United States. Instead, he proclaimed an Islamic oath and cursed all nonbelievers.

Less than a year later, Ramic attempted to travel to the Middle East and join a terrorist group. First, he tried traveling to Yemen, claiming that he wanted to enroll in a religious school there. But he didn’t have a student visa, so Yemeni authorities denied him entry.

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This trip raised the suspicions of American law enforcement, leading FBI agents to question Ramic several times about the reason for his travel. Ramic insisted that he simply wanted to engage in religious study. But the agents didn't believe him. Instead, they thought he was being radicalized and wanted to join terrorist groups engaged in jihad—which, in the terrorism context, means a religious holy war against those who don't believe in Islam. The federal agents were right to be suspicious: Ramic later admitted that he had lied about why he traveled to Yemen. But they took no action at the time.

Neither the FBI interviews nor his failed attempt to join a jihadist group deterred Ramic. He then joined an online chat service to connect with other supporters of terrorism. In those chats, Ramic discussed his continued desire to travel to Muslim countries. And he urged others to do the same by obtaining student visas to study Arabic. Ramic followed his own advice and twice applied to study at a university in Saudi Arabia. He tried to secure a student visa to travel there, but that plan never came to fruition.

Around this time, ISIS began gaining power in the Middle East. It aimed to establish a global empire with strict enforcement of Islamic law. It started by conquering large swaths of territory in Syria and Iraq. In doing so, ISIS used ruthless tactics, such as public executions, enslavement, and car bombings that targeted civilians. For example, ISIS publicly murdered journalists to demonstrate the consequences of dissent. And ISIS's reign of terror wasn't limited to Iraq and Syria. ISIS launched attacks around the world, including in France and Belgium. In response, the United States designated ISIS as a foreign terrorist organization in 2014 and led an international effort to combat this growing threat. ISIS also declared the United States an enemy and urged its followers to attack the United States and its interests.

One such follower was Abdullah el-Faisal. Faisal was a Jamaican Muslim cleric who had previously been convicted in the United Kingdom of advocating for the murder of Jews, Hindus, Christians, and Americans. When ISIS started gaining traction, Faisal began recruiting for the group and urged his supporters to launch violent jihadist attacks. He instructed his followers on how to covertly travel to Syria or Iraq to join ISIS. Ramic consumed this radical propaganda and soon ascended to Faisal's inner circle, becoming one of the few people trusted to directly raise money on Faisal's behalf.

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Ramic then put Faisal's instructions into action and traveled to Syria to join ISIS. Upon arriving in Syria, Ramic completed an ISIS intake form, indicating that he wished to become a fighter. To prepare for battle, Ramic went through military-style training where he learned warfare tactics and how to use combat weapons. His classmates recalled that he expressed a particular interest in automatic weapons and sniper rifles.

After completing his training, Ramic fought in the siege of Kobane, a city in northern Syria. He was on the front lines of the initial assault on the city. During this battle, ISIS primarily fought against a local militia group. But the United States also supported that local militia, launching air strikes against ISIS forces. Though the attack was ultimately unsuccessful, ISIS wreaked enormous havoc on the city and its populace, displacing hundreds of thousands of civilians and committing numerous atrocities. Roughly 100,000 people died during the campaign.

Following the siege of Kobane, Ramic continued to support ISIS's mission. He posted on social media, praising ISIS's public beheading of Coptic Christians in Libya, boasting about how many bodies he could fit in the back of a car, and bragging that he had "slave girls" cleaning his house. R. 326, Pg. ID 5462.

Ramic also told a friend that he wanted to become a martyr for ISIS. He would've followed through with that goal, but ISIS made martyrs wait for approximately six months before launching their suicide missions. That wait was simply too long for Ramic, who became frustrated and abandoned that goal.

Eventually, Ramic became disillusioned with ISIS. He was disappointed that it didn't "apply[] Islamic principles" strictly enough and that the people he met in Syria "did not practice the Muslim faith at all." R. 291-1, Pg. ID 4420, 4423. So he decided to abandon ISIS and travel to Turkey instead.

Once Ramic entered Turkey, Turkish authorities arrested him for engaging in terrorism. After holding him in custody for five years, Turkish authorities turned Ramic over to the United States. A grand jury in the Western District of Kentucky then charged him with conspiring to provide and providing material support to a foreign terrorist organization and receiving military-

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type training from such an organization. Ramic went to trial, and a jury convicted him of all charges. The district court calculated Ramic’s advisory Guidelines range as 360 to 600 months’ imprisonment. But the district court sentenced Ramic to just 101 months’ imprisonment—72 percent below the bottom of the Guidelines range.

The district court attempted to justify its sentence in two primary ways. First, it stated that Ramic didn’t engage “in any acts of terrorism as . . . in a more common sense” understanding of the term. R. 311, Pg. ID 4785. It explained, for example, that Ramic hadn’t engaged in any “random acts of violence directed at innocent populations,” detonated any “bombs,” or inflicted any “horrible incidents of gun violence against crowds.” *Id.* Instead, the district court concluded that Ramic was merely a “fighter” and a “soldier” who joined “a standard army” that wanted to “require strict adherence to [Islamic] law.” *Id.* Second, the district court noted that the median sentence for terrorism defendants with the same offense level and criminal-history category was only 168 months’ imprisonment. Using that median sentence as a starting point, the district court subtracted the 67 months that Ramic spent in Turkish custody and arrived at a final sentence of 101 months.

Ramic timely appealed, challenging the district court’s calculation of his Guidelines range. And the government timely cross-appealed, challenging the length of Ramic’s sentence.

II.

Ramic argues that his sentence is procedurally unreasonable because the district court incorrectly calculated his Guidelines range. *See Gall v. United States*, 552 U.S. 38, 51 (2007). Specifically, he contends that the district court improperly applied a sentencing enhancement for terrorism offenses. *See* U.S.S.G. § 3A1.4. We review the district court’s legal interpretation of the terrorism enhancement de novo and its factual findings for clear error. *United States v. Wright*, 747 F.3d 399, 407 (6th Cir. 2014).

The terrorism enhancement applies to any “felony that involved, or was intended to promote, a federal crime of terrorism.” U.S.S.G. § 3A1.4. And the Guidelines define a “federal crime of terrorism” by reference to 18 U.S.C. § 2332b(g)(5). *Id.* § 3A1.4 cmt. n.1. That statute provides that a federal crime of terrorism “is calculated to influence or affect the conduct of

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government by intimidation or coercion, or to retaliate against government conduct.” 18 U.S.C. § 2332b(g)(5).

Ramic argues that the term “government” includes only governments that the President has recognized. He then contends that condition isn’t satisfied here because ISIS fought against only the Kurdistan Workers’ Party, which is a nonstate actor, and the Assad regime, which wasn’t the recognized government of Syria. But that argument fails.

Neither the terrorism statute nor the Sentencing Guidelines defines the term “government.” So we rely on its ordinary meaning. *See Perrin v. United States*, 444 U.S. 37, 42 (1979); *see also United States v. Ansberry*, 976 F.3d 1108, 1128 & n.11 (10th Cir. 2020) (defining “government” for purposes of the terrorism enhancement using ordinary dictionary definitions). The ordinary meaning of “government” refers to “the body of persons that constitutes the governing authority of a political unit or organization.” *Government*, *Webster’s Third New International Dictionary* (1961); *see also Government*, *Oxford English Dictionary* (2d ed. 1989) (“The governing power in a state; the body of persons charged with the duty of governing.”); *Government*, *Black’s Law Dictionary* (6th ed. 1990) (“[T]he framework of political institutions, departments, and offices, by means of which the executive, judicial, legislative, and administrative business of the state is carried on.”). Notice what’s missing: Those definitions aren’t limited to governments that the United States has formally recognized.

If Congress wanted to use a specialized definition of the term “government,” it could have done so. *See Gallardo ex rel. Vassallo v. Marstiller*, 596 U.S. 420, 429 (2022). In fact, Congress has used specialized definitions for *other* terms in the terrorism statutes. *See, e.g.*, 18 U.S.C. § 2332f(e)(12) (defining “state” as having “the same meaning as that term has under international law”). So Congress’s choice not to include a specific definition of “government” in § 2332b indicates that the term carries its ordinary meaning.

Ramic doesn’t contest that the Assad regime falls within the ordinary meaning of “government.” Instead, he makes a constitutional argument: Only the President has the authority to recognize foreign governments, and the President didn’t recognize the Assad regime as the legitimate government of Syria when Ramic joined ISIS. To be sure, the President has the

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“exclusive power” to recognize foreign governments. *Zivotofsky ex rel. Zivotofsky v. Kerry*, 576 U.S. 1, 32 (2015). But the Supreme Court has made clear that “[t]he Executive’s exclusive power extends *no further* than his formal recognition determination.” *Id.* at 30 (emphasis added). That means Congress can still legislate pursuant to its own powers, which include the power “[t]o define and punish . . . Offences against the Law of Nations.” U.S. Const. art. I, § 8, cl. 10; *see Zivotofsky*, 576 U.S. at 16. And that’s precisely what Congress did when it defined a federal crime of terrorism as conduct directed at a government, regardless of whether the United States has recognized that government. *See* Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, § 301, 110 Stat. 1214, 1247. In short, the President’s “narrow” slice of exclusive power over recognition leaves Congress with plenty of room to craft a definition of terrorism that relies on the ordinary meaning of government.

In response, Ramic says that even if Congress didn’t explicitly infringe on the President’s recognition power, applying the terrorism enhancement here would implicitly recognize the Assad regime as the government of Syria, thus contradicting the President. But recognition generally requires express, unambiguous statements or a narrow subset of formal diplomatic actions. *See Zivotofsky*, 576 U.S. at 11. Those actions include issuing an official declaration, entering a treaty with the other government, and sending or receiving ambassadors. *See id.* at 11–12; *see also* Restatement (Third) of Foreign Relations Law of the United States § 204 rptr. n.2 (Am. L. Inst. 1987). In other words, determining that an entity falls within the ordinary meaning of government doesn’t count as formal recognition. As a result, a court’s decision that an entity is a government under § 2332b doesn’t change whether the United States formally recognizes that government. Nor does it compel the Executive Branch to take any diplomatic action. So it doesn’t step on the President’s toes. That means the district court didn’t err by concluding that Ramic’s conduct directed at the Assad regime justified applying the terrorism enhancement.

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But even if the Assad regime didn't count as a government under § 2332b, the terrorism enhancement would still apply here. That's because Ramic's conduct was also calculated to influence or affect the United States.¹ Before Ramic joined ISIS, the group had declared war on the United States and issued religious decrees encouraging its supporters to attack American interests. Courts have therefore recognized that "ISIS's terrorist acts are intended to intimidate or coerce the United States," so a defendant's provision of material support to ISIS is evidence that he sought to influence the United States. *United States v. Khan*, 938 F.3d 713, 719 (5th Cir. 2019).

In fact, Ramic openly embraced ISIS's mission to target the United States. For example, he posted on social media that he hoped President Obama's teenage daughters would one day be sold as ISIS slaves. *Cf. United States v. Van Haften*, 881 F.3d 543, 544–45 (7th Cir. 2018) (applying the terrorism enhancement to an ISIS supporter who posted on social media that he wanted to see President Bush's and President Obama's children and grandchildren "sold as slaves at [ISIS] markets"). Ramic also posted a picture of a brochure given to the families of American soldiers who died in combat next to a picture of assault rifles. Alongside those pictures, Ramic wrote that he wanted "[t]o make more of them fall"—that is, to kill more American soldiers. R. 326, Pg. ID 5451. So Ramic's own words make clear that his support of ISIS was calculated to affect the United States.

What's more, the evidence at trial indicated that Ramic fought against American forces in the siege of Kobane. During the early stages of the battle, Ramic posted on social media that "planes [were] circling and drones hovering." *Id.* at 5460. Later that same day, he posted about the difference in diameter between the holes left by American bombs and those left by the Assad regime's bombs. An expert witness also testified that the United States launched air strikes

¹Ramic argues that the government either waived or forfeited this argument because it didn't object to a passage in the presentence investigation report (PSR) stating that ISIS fought against the Assad regime and the Kurdistan Workers' Party. But this argument fails. First, that paragraph was accurate, and the government had no obligation to object. Importantly, the paragraph didn't say that ISIS was fighting against *only* the Assad regime and the Kurdistan Workers' Party. Indeed, other sections of the PSR indicated that ISIS was fighting against the United States, too. Second, the government argued in its sentencing memorandum that the district court could apply the enhancement based on Ramic's conduct targeted at the United States. And even if that weren't enough to preserve the argument, the government was the prevailing party on this issue, so it can rely on any ground in the record to support the judgment below. *Dandridge v. Williams*, 397 U.S. 471, 475 n.6 (1970).

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against ISIS forces at Kobane. This evidence demonstrates that Ramic knowingly battled American forces during the siege of Kobane.

In sum, the government established by a preponderance of the evidence that Ramic's conduct was calculated to influence or affect not only the Assad regime but also the United States. As a result, the district court didn't err in applying the terrorism enhancement, and Ramic's sentence wasn't procedurally unreasonable.

III.

The government also cross-appealed, arguing that Ramic's sentence is substantively unreasonable because it's too low. A sentence is substantively unreasonable if "the court placed too much weight on some of the § 3553(a) factors and too little on others in sentencing the individual." *United States v. Rayyan*, 885 F.3d 436, 442 (6th Cir. 2018). Here, the district court didn't adequately weigh the seriousness of Ramic's crime, potential sentencing disparities, and the need to protect the public.

When a district court imposes a below-Guidelines sentence, it "must consider the extent of the deviation and ensure that the justification is sufficiently compelling to support the degree of the variance." *Gall*, 552 U.S. at 50. So a larger variance requires a more compelling rationale. *Id.* Because the district court's rationale here didn't justify such a drastic downward variance, we conclude that Ramic's sentence is substantively unreasonable.

A.

For starters, the district court minimized the seriousness of Ramic's conduct. This led the district court to impose a sentence that didn't reflect the "seriousness of the harm" caused by Ramic's terrorism offenses. *United States v. Boucher*, 937 F.3d 702, 710 (6th Cir. 2019) (quotation omitted). And that makes Ramic's sentence substantively unreasonable.

Throughout sentencing, the district court downplayed ISIS's mission and Ramic's actions. It described Ramic's conduct as "participation in an organized army intent on capturing a piece of territory for the creation of their own state." R. 311, Pg. ID 4786. And it repeatedly characterized Ramic as a "soldier" and "fighter" who merely "went to join an army." *Id.* at

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4785–86. But Ramic was no ordinary soldier. That’s because ISIS isn’t an army governed by the laws of war or a code of ethics like our armed forces. It’s a terrorist group that has engaged in countless atrocities. *See United States v. Khan*, 997 F.3d 242, 248 (5th Cir. 2021) (finding a sentence substantively unreasonable when the district court compared a prospective ISIS fighter to someone “signing up for the Marines”).

And if there were any doubt about ISIS’s brutality, the government proved it at trial. First, the government established that ISIS carried out a large suicide attack at a mosque in Kuwait. Then, ISIS targeted Belgium, where a member began shooting inside a museum, murdering four people. Around the same time, ISIS executed 700 cadets at a military school in Iraq, killing one young soldier after another. And the following year, ISIS publicly beheaded 21 Coptic Christians simply because those innocent civilians dared to practice their faith.

What’s more, the government showed that Ramic embraced ISIS’s radical beliefs and atrocities. On social media, he hoped for the day when President Obama’s daughters would “be sold as [slaves] in one of the local markets.” R. 299, Pg. ID 4558. He threatened the “rafidah/shia” Muslims that they must convert to Sunni Islam “or Die.” *Id.* at 4561. He posted a photo of a United States “fallen veterans” brochure alongside an ISIS flag and rifles and asked others if they were “ready for a joint mission” to “make more [U.S. soldiers] fall.” R. 326, Pg. ID 5450–51. And he celebrated the beheadings of the Coptic Christians: “If [J]esus was alive today he would be with Islamic State, and behead #Copts for taking him as god besides Allah.” R. 299, Pg. ID 4560. The district court, however, failed to address these posts in determining the seriousness of Ramic’s offense. *See United States v. Medlin*, 65 F.4th 326, 331 (6th Cir. 2023).

The district court’s characterization of ISIS (and Ramic’s support for its cause) matters because Ramic was convicted of providing material support to a terrorist group. So the court needed to consider the nature of the terrorist group Ramic supported to properly evaluate the seriousness of his offense. *See Khan*, 997 F.3d at 248 (finding a sentence substantively unreasonable when the district court “failed to acknowledge that [the defendant] had facilitated and fully supported the purposes and atrocities of ISIS”). In other words, the more violent and brutal the terrorist organization, the more serious it is to provide material support to that group. In this case, Ramic intended to help ISIS gain power and territory so that it could wage a global

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jihad. Plus, Ramic’s participation meant that ISIS needed one fewer fighter on the battlefield in Syria and could instead afford to send its members to commit terrorist attacks around the world. The district court’s failure to grapple with ISIS’s brutalities or recognize how Ramic’s efforts facilitated those atrocities caused it to understate the seriousness of his crimes.

The district court also stated that Ramic’s actions didn’t involve “any acts of senseless violence against innocent people.” R. 311, Pg. ID 4785. But that ignores the district court’s own factual findings. The district court adopted the PSR without change. The PSR explicitly noted that the siege of Kobane—which Ramic participated in—led to the displacement of hundreds of thousands of civilians and the deaths of about 100,000 people. The PSR further explained that ISIS engaged in atrocities against civilians in the area. Granted, there’s no specific evidence about what Ramic did during the siege. But we know that his participation in the siege of Kobane supported ISIS’s commission of brutalities. And we know that he abused civilians by forcing “slave girls” to clean his house. R. 323, Pg. ID 5258. So the record—including the district court’s own factual findings—undermines the court’s assertion that Ramic’s conduct didn’t involve “senseless violence” against civilians.

Finally, the district court downplayed Ramic’s crimes by claiming that he didn’t engage “in any acts of terrorism . . . in a more common sense” understanding of that term. R. 311, Pg. ID 4785. Specifically, the district court emphasized that “[t]here were no bombs” or “horrible incidents of gun violence against crowds.” *Id.* First, we don’t know whether that’s true—ISIS regularly targeted civilians with bombs and guns. Second, even though there’s no specific evidence that Ramic engaged in such conduct, the district court’s rationale still doesn’t justify such a substantial downward variance. *See Gall*, 552 U.S. at 50. A district court must ensure that a sentence “meshes with Congress’s own view of the crime[’s] seriousness.” *United States v. Musgrave*, 761 F.3d 602, 608 (6th Cir. 2014) (cleaned up). And Congress adopted a broader definition of material support that extends beyond just launching bombs or shooting into a crowd. *See* 18 U.S.C. § 2339A(b)(1) (defining “material support” as “any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives,

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personnel . . . , and transportation”). By fixating on its own unduly narrow conception of terrorism, the district court ignored its obligation to craft a sentence that reflects Congress’s broader view of that crime.

Combined, these mistakes led the district court to impose an unduly lenient sentence that doesn’t reflect the seriousness of Ramic’s offenses.

B.

In addition to understating the seriousness of Ramic’s conduct, the district court placed too much weight on national sentencing data. The district court started with the median sentence for terrorism defendants with the same criminal-history category and offense level as Ramic, which was 168 months. It then subtracted 67 months for the time Ramic spent in Turkish custody and arrived at a final sentence of 101 months’ imprisonment.

It’s true that a district court must consider whether a sentence will create unwarranted disparities among similarly situated defendants. *See* 18 U.S.C. § 3553(a)(6). But a district court accounts for those disparities by correctly calculating a defendant’s Guidelines range. *United States v. Hymes*, 19 F.4th 928, 935 (6th Cir. 2021). And while a district court may consider national statistics to evaluate potential sentencing disparities, district courts may not “elevate the Commission’s statistical data over the text of the Guidelines themselves.” *Id.* at 936. That’s because it is the role of the Sentencing Commission—not district courts—to update the Guidelines in response to new empirical data. *Id.* Plus, sentencing statistics have important limitations that can prevent district courts from making meaningful comparisons between cases. For example, the data may be “so general that it often is difficult to know whether offenders grouped into the same primary offense category have indeed been found guilty of similar conduct.” *United States v. Stock*, 685 F.3d 621, 629 n.6 (6th Cir. 2012) (cleaned up). In short, even though national sentencing statistics can sometimes provide helpful information, they can’t displace the Sentencing Guidelines as the principal measure of whether a sentence would produce unwarranted disparities.

Here, the district court allowed national statistics to control its sentencing decision and failed to justify that decision. The district court started with the median sentence for similarly

situated offenders, even though it admitted it didn't "have a whole lot of texture to what these other defendants did." R. 311, Pg. ID 4786. Without any comparison to other defendants, it asserted that it "tend[ed] to view this more along the median of 168 months." *Id.* And in doing so, the district court ignored significant gaps in the sentencing data. First, the relevant sample size included only nine other defendants. So it's possible the data was skewed by one or two outlier cases. Second, the bare sentencing data didn't explain the severity of the other defendants' crimes, specify whether they accepted responsibility, or indicate whether they had been rehabilitated. Despite the lack of these key details, the district court still somehow determined that Ramic's conduct was "along the median of 168 months." *Id.* But without more information, the district court had little basis to conclude that Ramic was similarly situated to those other defendants. Did they travel to Syria and actually fight in a war? Did they boast about their activities and their hatred for America? We don't know.

Indeed, compared to other defendants who engaged in conduct like Ramic's, his sentence is shockingly low. Courts have regularly imposed far longer sentences for defendants convicted of providing material support to ISIS.² And many of those defendants' conduct was much less egregious than Ramic's. Some didn't make it out of the country or reach the battlefield.³ Others provided small sums of money to support ISIS's goals but received more jail time than Ramic.⁴ Contrast those defendants with Ramic, who actively participated in an attack that claimed the

²See, e.g., *United States v. Carpenter*, 157 F.4th 841, 846, 855 (6th Cir. 2025) (240 months for defendant who merely provided translation services for ISIS); *United States v. Rahim*, 860 F. App'x 47, 49–50 (5th Cir. 2021) (per curiam) (360 months for defendant who ran ISIS social-media channel and encouraged individuals to join ISIS); *United States v. Langhorne*, No. 22-12412, 2024 WL 2018545, at *1 (11th Cir. May 7, 2024) (per curiam) (240 months for defendant who produced a video for ISIS on how to make a bomb); *United States v. Blanco*, 102 F.4th 1153, 1157–58 (11th Cir. 2024) (192 months for defendant who ran two unofficial ISIS social-media channels); *United States v. Khweis*, No. 22-4406, 2023 WL 4993685, at *1 (4th Cir. Aug. 8, 2023) (168 months for defendant who provided administrative support to ISIS).

³See, e.g., *United States v. Alebbini*, 979 F.3d 537, 539, 543 (6th Cir. 2020) (180 months for defendant who attempted to travel to Syria to join ISIS but was arrested at the airport); *United States v. Masood*, 133 F.4th 799, 803–04 (8th Cir. 2025) (216 months for defendant who attempted to travel to ISIS-controlled territory but was arrested at the airport); see also R. 299, Pg. ID 4575 (240 months for defendant who traveled to join ISIS but was arrested before reaching ISIS-controlled territory).

⁴See, e.g., *United States v. Young*, 818 F. App'x 185, 188–89 (4th Cir. 2020) (per curiam) (180 months for defendant who advised someone on how to join ISIS and sent him \$245); *United States v. Khusanov*, No. 25-14, 2026 WL 21000, at *1 (2d Cir. Jan. 5, 2026) (132 months for defendant who provided between \$200 and \$400 to fund another individual's travel to join ISIS).

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lives of over 100,000 people. Far from avoiding sentencing disparities, the district court created a disparity by imposing a sentence on Ramic that was lower than what other ISIS supporters received.

C.

The district court also failed to properly weigh the need to protect the public from Ramic's potential future crimes. *See* 18 U.S.C. § 3553(a)(2)(C). Terrorism poses “a particularly grave threat because of the dangerousness of the crime and the difficulty of deterring and rehabilitating the criminal,” so “terrorists and their supporters should be incapacitated for a longer period of time.” *United States v. Meskini*, 319 F.3d 88, 92 (2d Cir. 2003). Indeed, empirical research on Americans who traveled to join jihadist groups in Syria and Iraq supports these observations. Even after returning to the United States, those individuals still pose a threat because they can support local jihadist networks, share their knowledge on how to conduct terrorist attacks, and recruit new members. Alexander Meleagrou-Hitchens, Seamus Hughes & Bennett Clifford, *The Travelers: American Jihadists in Syria and Iraq* 2 (Feb. 2018). But the district court didn't even mention the possibility that Ramic could pose such a risk after his release.

In fact, there are strong reasons to be concerned that Ramic will return to terrorist activities after serving his prison sentence. First, under the district court's sentence, Ramic would be released at age 39, so he would still be capable of launching future attacks. *See United States v. Ressim*, 679 F.3d 1069, 1090 (9th Cir. 2012) (noting that a defendant released at age 51 would be “sufficiently active and capable . . . to do considerable damage” especially in light of his “strongly held beliefs” and “willingness to attack American interests”). Second, Ramic received military-type training from ISIS. That means he's “far more sophisticated than an individual convicted of an ordinary street crime” and thus “poses a heightened risk of future dangerousness.” *United States v. Jayyousi*, 657 F.3d 1085, 1117 (11th Cir. 2011). The district court should have accounted for both of these risks.

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Perhaps most importantly, Ramic hasn't disavowed terrorism. He left ISIS not because he disagreed with the group's mission or its brutal tactics, but because he believed ISIS was corrupt. And his failure to renounce terrorism means it's possible that he would join another terrorist organization in the future.

Plus, Ramic hasn't demonstrated remorse or accepted responsibility for his crimes. At sentencing, he delivered a lengthy monologue, stretching over 11 pages of the sentencing transcript, in which he lambasted the case against him. Ramic insisted that he was "an innocent man" and that he "completely reject[ed]" the charges against him. R. 311, Pg. ID 4772. He claimed it was a "sham prosecution from the start" that was "brought by biased, prejudiced, . . . rogue[,] and corrupt prosecutors . . . with a compromised grand jury." *Id.* Ramic's belief that he did absolutely nothing wrong is yet another indication that he may return to terrorism upon his release. And he may now have an additional motive to attack the United States after serving a prison sentence for what he believes was a "sham prosecution." *Id.* Once again, the district court didn't address Ramic's lack of remorse and potential future threat to the public.

These concerns about Ramic returning to terrorism upon his release aren't merely hypothetical. Courts' refusals to incapacitate terrorists for a long period of time have had deadly consequences. *See, e.g.,* Katrin Bennhold, Melissa Eddy & Christopher F. Schuetze, *Vienna Reels From a Rare Terrorist Attack*, N.Y. Times (Oct. 9, 2021) (describing a terrorist who was sentenced to just 22 months in prison for traveling to join ISIS, was released after one year, and then launched an attack in Vienna that killed four people and wounded another 23); Sadie Gurman, *Old Dominion Shooting Suspect Had ISIS Conviction, Was Subdued by Students*, Wall St. J. (Mar. 12, 2026, at 19:00 ET) (describing a terrorist who provided material support to ISIS, received a sentence far below the Guidelines range, was released, and then opened fire in a university classroom, killing the instructor and wounding two others). The district court here repeated that mistake and didn't reckon with the very real possibility that Ramic could participate in future attacks after his release. When sentencing terrorists, protecting the public is of primary importance. The district court's failure to properly weigh this factor when dealing with Ramic makes his sentence substantively unreasonable.

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* * *

For the foregoing reasons, we vacate Ramic’s sentence and remand for resentencing consistent with this opinion.

United States District Court
Western District of Kentucky
BOWLING GREEN DIVISION

UNITED STATES OF AMERICA
V.
Mirsad Ramic

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 1:21-CR-13-GNS-1

US Marshal No: 79222-509

Counsel for Defendant: **Scott T. Wendelsdorf, Federal Public Defender, Appointed**
Counsel for the United States: **Joshua Judd and Christopher C. Tieke, Asst. U.S. Attys.**
and Kevin C. Nunnally, USDOJ Trial Attorney

Court Reporter: **Digitally Recorded Proceedings (ECRO: DeAnna Whitney)**

THE DEFENDANT:

- ☐ Pursuant to plea agreement
- ☐ Pleaded guilty to count(s)
- ☐ Pleaded nolo contendere to count(s) which was accepted by the court.
- ☒ **Was found guilty on counts 1, 2, and 3 of the Indictment on 6/11/2024 after a plea of not guilty.**

ACCORDINGLY, the Court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title / Section and Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
--	-----------------------------------	--------------

FOR CONVICTION OFFENSE(S) DETAIL - SEE COUNTS OF CONVICTION ON PAGE 2

The defendant is sentenced as provided in pages 2 through 8 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s)
- ☐ Count(s) (Is) (are) dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the Court and the United States Attorney of any material change in the defendant's economic circumstances.

4/14/2025
Date of Imposition of Judgment


Greg N. Stivers, Chief Judge
United States District Court

April 15, 2025

DEFENDANT: **Ramic, Mirsad**
CASE NUMBER: **1:21-CR-13-GNS-1**

COUNTS OF CONVICTION

<u>Title / Section and Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
18:2339B(a)(1), (d)(1)(C), (E), and (F), 3238, and 2-MATERIAL SUPPORT	9/2015	1
18:2339B(a)(1), (d)(1)(C), (E) and (F), and 3238-CONSPIRACY TO PROVIDE MATERIAL SUPPORT	9/2015	2
18:2339D(a), (b)(1), (b)(3), (b)(5), and (b)(6), and 3238-RECEIPT OF MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION	9/2015	3

DEFENDANT: **Ramic, Mirsad**
CASE NUMBER: **1:21-CR-13-GNS-1**

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of **101 months as to each of Counts 1 and 2 in the Indictment, which shall be served concurrently, for a TOTAL TERM OF 101 MONTHS.**

- ☐ The Court makes the following recommendations to the Bureau of Prisons:
- ☒ **The defendant is remanded to the custody of the United States Marshal.**
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at _____ A.M. / P.M. on _____
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ Before 2:00 p.m. on _____
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.
- ☐ The defendant shall continue under the terms and conditions of his/her present bond pending surrender to the institution.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ To _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

DEFENDANT: **Ramic, Mirsad**
CASE NUMBER: **1:21-CR-13-GNS-1**

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **LIFE as to each of Counts 1 and 2 of the Indictment, which shall be served currently, for a TOTAL TERM OF LIFE.**

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse.
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. (check if applicable)
5. ☒ **You must cooperate in the collection of DNA as directed by the probation officer.**
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense.
7. ☐ You must participate in an approved program for domestic violence.

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: **Ramic, Mirsad**
CASE NUMBER: **1:21-CR-13-GNS-1**

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

DEFENDANT: **Ramic, Mirsad**
CASE NUMBER: **1:21-CR-13-GNS-1**

SPECIAL CONDITIONS OF SUPERVISION

14. If deported, the defendant may not re-enter the United States without written permission of the Secretary of Homeland Security.
15. The defendant shall participate in a community-based mental health treatment program approved by the U.S. Probation Office. The defendant shall contribute to the Probation Office's cost of services rendered based upon his/her ability to pay as reflected in his/her monthly cash flow as it relates to the court-approved sliding fee scale.
16. The defendant shall submit to the USPO conducting an initial computer inspection/search of the defendant's computer system(s), which are subject to examination and monitoring, which may include retrieval and copying of all memory from hardware/software and/or removal of such system(s) for the purpose of conducting a more thorough inspection. An officer may conduct a subsequent search pursuant to this condition only when reasonable suspicion exists that the defendant is in violation of the court's computer monitoring condition, or is in possession of child pornography, as defined in 18 U.S.C. § 2256(8). Any search must be conducted at a reasonable time and in a reasonable manner.
17. The defendant will consent to having installed on computer(s) which are subject to examination and monitoring at the defendant's expense, any hardware/software to monitor the defendant's computer use or prevent access to particular materials. The defendant hereby consents to periodic inspection of any such installed hardware/software to ensure it is functioning properly. The defendant shall warn any other third parties who use these computers that the computers may be subject to searches pursuant to this condition.
18. The defendant shall participate in and abide by the rules of the Computer Restriction & Monitoring Program.
19. The defendant shall cease any use or activity on any computer subject to examination and monitoring until the computer can be processed by the Special Offender Specialist or designee, to comply with the monitoring ordered by the Court.
20. Unless required for employment, the defendant is prohibited from using any computer other than the one monitored by the U.S. Probation Office.
21. The defendant shall provide the USPO with accurate information about the defendant's entire computer system (hardware/software), all passwords used by the defendant, and the defendant's Internet Service Provider(s).
22. The defendant shall submit his or her person, property, house, residence, vehicle, papers, computers [as defined in 18 U.S.C. § 1030(e)(1)], other electronic communications or data storage devices or media, or office to a search conducted by the United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that the defendant has violated a condition of their release and that the areas to be searched may contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Upon a finding of a violation of probation or supervised release, I understand that the Court may (1) revoke supervision, (2) extend the term of supervision and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

Defendant

Date

U.S. Probation Officer/Designated Witness

Date

DEFENDANT: **Ramic, Mirsad**
CASE NUMBER: **1:21-CR-13-GNS-1**

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 300.00	\$ 25,000.00 – Ct. 3	

- ☒ **The costs of investigation, prosecution, incarceration and supervision are waived due to the defendant's inability to pay.**
- ☐ The determination of restitution is deferred until . An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- ☒ **Restitution is not an issue in this case.**
- ☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

Criminal debt may be paid by check or money order or may be paid online at www.kywd.uscourts.gov (See Online Payments for Criminal Debt). **Your mail-in or online payment must include your case number in the exact format of DKYW121CR000013-001 to ensure proper application to your criminal monetary penalty.** If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(I), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>** Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order Or Percentage Of Payment</u>
-----------------------------	---	---	---

- ☐ If applicable, restitution amount ordered pursuant to plea agreement. . . . \$
- ☐ The defendant shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. 3612(f). All of the payment options on Sheet 5, Part B may be Subject to penalties for default and delinquency pursuant to 18 U.S.C. 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☒ **The interest requirement is waived for the** ☒ **Fine and/or** ☐ **Restitution**
- ☐ The interest requirement for the ☐ Fine and/or ☐ Restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

DEFENDANT: **Ramic, Mirsad**
CASE NUMBER: **1:21-CR-13-GNS-1**

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ **Lump sum payment of \$25,300 due immediately, balance due**
☐ not later than _____, or
☒ **in accordance with E below**
- B ☐ Payment to begin immediately (may be combined with C, D, or E below); or
- C ☐ Payment in _____ (E.g. equal, weekly, monthly, quarterly) installments of \$ _____
Over a period of _____ (E.g. months or years) year(s) to commence _____ (E.g., 30 or 60 days)
after _____ The date of this judgment, or _____
- D ☐ Payment in _____ (E.g. equal, weekly, monthly, quarterly) installments of \$ _____
Over a period of _____ (E.g. months or years) year(s) to commence _____ (E.g., 30 or 60 days)
after _____ Release from imprisonment to a term of supervision; or _____
- E ☒ **Special instructions regarding the payment of criminal monetary penalties:**

Any balance of criminal monetary penalties owed upon incarceration shall be paid in quarterly installments of at least \$25 based on earnings from an institution job and/or community resources (other than Federal Prison Industries), or quarterly installments of at least \$60 based on earnings from a job in Federal Prison Industries and/or community resources, during the period of incarceration to commence upon arrival at the designated facility.

Upon commencement of the term of supervised release, the probation officer shall review your financial circumstances and recommend a payment schedule on any outstanding balance for approval by the court. Within the first 60 days of release, the probation officer shall submit a recommendation to the court for a payment schedule, for which the court shall retain final approval.

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons Inmate Financial Responsibility Program, are to be made to the United States District Court, Gene Snyder Courthouse, 601 West Broadway, Suite 106, Louisville, KY 40202, unless otherwise directed by the Court, the Probation Officer, or the United States Attorney.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers *including defendant number*), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Case No. 25-5392/25-5471

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

ORDER

UNITED STATES OF AMERICA

Plaintiff - Appellee Cross-Appellant

v.

MIRSAD RAMIC

Defendant - Appellant Cross-Appellee

BEFORE: GIBBONS, THAPAR, LARSEN, Circuit Judges;

Upon consideration of the petition for rehearing filed by the Defendant - Appellant Cross-Appellee,

It is **ORDERED** that the petition for rehearing be, and it hereby is, **DENIED**.

ENTERED BY ORDER OF THE COURT

Kelly L. Stephens, Clerk

A handwritten signature in cursive script, reading "Kelly L. Stephens", is written over a horizontal line.

Issued: June 01, 2026

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
BOWLING GREEN DIVISION

UNITED STATES OF AMERICA,) Case No. 1:21-CR-13-GNS
)
Plaintiff,)
)
vs.)
)
MIRSAD RAMIC,)
) April 14, 2025
Defendant.) Bowling Green, Kentucky

TRANSCRIPT OF SENTENCING HEARING
BEFORE HONORABLE GREG N. STIVERS
UNITED STATES DISTRICT CHIEF JUDGE

APPEARANCES:

For United States: Joshua D. Judd
Christopher C. Tieke
U.S. Attorney's Office
717 West Broadway
Louisville, KY 40202

Kevin C. Nunnally
U.S. Department of Justice
NSD/CTS
950 Pennsylvania Avenue N.W.
Washington, DC 20530

[Defendant present.]

Transcriber: Terri L. Horton, RMR, CRR
Official Court Reporter
133 U.S. Courthouse
501 Broadway
Paducah, KY 42001

Proceedings recorded by digital recording. Transcript produced
by computer from audio recording that the Court provided to
transcriber.

1 APPEARANCES (Continued):

2 For Defendant: Scott T. Wendelsdorf
3 Western Kentucky Federal
4 Community Defender, Inc.
5 629 Fourth Avenue, Suite 200
6 Louisville, KY 40202
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1 (Begin proceedings in open court.)

2 DEPUTY CLERK: Case Number 1:21-CR-13, *United States*
3 *of America vs. Mirsad Ramic*. We're here this morning for a
4 sentencing hearing.

5 MR. JUDD: Good morning, Your Honor. Josh Judd. I
6 represent the United States. With me at counsel table is Chris
7 Tieke. He's an Assistant U.S. Attorney. Kevin Nunnally from
8 the Department of Justice, National Security Division. Andy
9 Martin, he's with the FBI.

10 MR. WENDELSDORF: Good morning, Your Honor. Scott
11 Wendelsdorf for the defendant. Chad Carter from my office and
12 also Mr. Ramic, who is seated to my right.

13 THE COURT: All right. Mr. Wendelsdorf, have you and
14 Mr. Ramic had a chance to review the presentence investigation
15 report, including any revisions?

16 MR. WENDELSDORF: We have gone over the PSR.
17 Objections were made, Your Honor, and they're discussed -- the
18 operative ones are discussed in my sentencing memorandum.

19 THE COURT: All right. Which of those would you like
20 to be heard on at this time?

21 MR. WENDELSDORF: Well, I know Your Honor has read the
22 sentencing memorandum --

23 THE COURT: Yes.

24 MR. WENDELSDORF: -- and I don't see any utility in
25 reading it back to Your Honor.

1 But I think the pivotal issue here is the application of
2 3A1.4. That has the most significant impact on sentencing in
3 this case. It's our position, as we set out in detail -- and,
4 again, I don't want to go through the whole thing again because
5 I know Your Honor is aware of our argument. But we believe that
6 3A1.4 does not apply in this case.

7 And this case is unique, as we point out. There are three
8 ways to commit a violation of these statutes, and each of those
9 three ways requires specific knowledge. Specific knowledge that
10 the organization that a person aids is a designated foreign
11 terrorist organization by the Secretary of State; two, that it
12 engages in terrorist activity; or that it is a terrorist
13 organization.

14 It's -- the first one is the most important. There is an
15 argument that might be made that knowingly supporting a foreign
16 terrorist organization may imply an intent to influence the
17 United States. Why? Because one of the elements of being a
18 designated foreign terrorist organization is that the terrorist
19 activity or terrorism of the organization threatens the security
20 of the United States nationals or the national security of the
21 United States. That does not apply to the other two prongs. It
22 does apply to a foreign terrorist organization.

23 What makes Mr. Ramic's case unique is that we believe he was
24 not convicted of joining ISIL knowing it to be a designated
25 foreign terrorist organization. As Your Honor will recall from

1 the trial, it was conclusively shown that the designation of
2 ISIL could not have been known to Mr. Ramic at the time that he
3 left the United States and joined ISIL in Syria. Now, granted,
4 the jury found that he had the other two prongs but not that
5 most important one in my view.

6 The government conceded the point, Your Honor will recall,
7 in closing arguments, saying we can't prove that he knew ISIL
8 was a designated foreign terrorist organization, but we don't
9 have to. Don't convict him on those grounds. Convict him on
10 these over here.

11 That makes all the difference for the application of 3A1.4.
12 As we point out, 3A1.4 requires at the very least that the
13 activity be intended to and actually does influence a government
14 or retaliates against a government. The operative word here is
15 "government."

16 Now, the PSR lists one government in this matter as being
17 influenced by the defendant. In paragraph 12 -- excuse me,
18 paragraph 23, the PSR says, "At the time of their arrival, Syria
19 was in the throes of a civil war among several belligerents.
20 ISIS fought a war against two enemies on two fronts: against
21 military forces under the," quote, "legitimate government led by
22 Syrian President Bashar al-Assad and against the Kurdistan
23 Workers' Party," or PKK, "a separatist militant organization
24 designated as a foreign terrorist organization by the U.S.
25 government."

1 And then again on paragraph 49, the PSR said that Mr. Ramic
2 "had reason to believe that ISIS would utilize his faculties and
3 personal efforts to commit or assist in the commission of
4 violent acts against the enemies of ISIS," and these are
5 delineated in the PSR. "The Syrian government led by President
6 Bashar al-Assad and the Kurdistan Workers' Party (PKK) or both
7 the Syrian government and the PKK."

8 And then again in paragraph 50 that 3A1.4 is applied
9 because, quote, the defendant's offenses were calculated to
10 influence or affect the conduct of a foreign government (Syria)
11 by intimidation or coercion.

12 The problem for the government here -- and I guess I
13 reference for Your Honor -- is that Syria -- Assad's Syria,
14 Assad's forces were not the government. And we go into great
15 detail in our sentencing memorandum on what a government is.
16 The short tour is an organization or a group or a movement is a
17 government if the President of the United States says that it
18 is, and if the President of the United States says that it's
19 not, then it is not a government. And that is the case here.

20 We show conclusively in our sentencing memorandum that at
21 the times relevant to this case, the regime of Bashar al-Assad,
22 who himself is just another terrorist, was just another
23 terrorist organization. He was not recognized by President
24 Obama as the legitimate government of Syria. In fact, it was
25 the Syrian Opposition Coalition that was recognized. And, of

1 course, Mr. Ramic did nothing to counter them. They were
2 fighting the same people.

3 Now --

4 THE COURT: The enemy of my enemy is my friend; right?
5 It's not a government.

6 MR. WENDELSDORF: Usually.

7 THE COURT: I remember thinking that during the trial.

8 MR. WENDELSDORF: Yes.

9 But clearly the -- and the government's not alleging that
10 the PKK is a government. But they are alleging that Assad was a
11 government, and he was not a government. And that is
12 conclusive, absolutely conclusive. Because it was very clear
13 that the President of the United States did not recognize it as
14 such, closed their embassy, kicked them out of the country,
15 recognized the SOCC, let them open an embassy. And he wasn't
16 alone in this. Great Britain, France, other nations recognized
17 the SOCC and not Assad.

18 Question then. What government was impacted by Mr. Ramic's
19 conduct?

20 Now, this trial took place ten months ago. Ten months ago.
21 And the deadline for objecting to the preliminary PSR was seven
22 months ago. The final PSR was filed in this case 2.5 months
23 ago. Throughout that whole thing, the PSR said that only one
24 government was impacted by Mr. Ramic, the government of Syria.
25 The government did not object to that finding, did not object to

1 that timely, did not object to it when the final PSR was served.
2 They just stick a little footnote in there in their sentencing
3 memorandum for the first time saying, "Oh, by the way, we also
4 think the United States was also impacted." Well, that's not
5 the finding in the PSR, and the time to object is over. And
6 it's too late in the day now for the government to walk in here
7 and change its theory of the case.

8 So to answer Your Honor's question, I think the pivotal
9 issue in this matter is the application of 3A1.4. We don't
10 think it applies. And if it doesn't apply, as we argued, then
11 what we are faced with is a total offense level of 28 instead of
12 40 and a criminal history category of I instead of VI, and this
13 leads to a guideline sentencing range of 78 to 97 months.

14 Now, as the PSR itself recommends, we are asking the Court
15 to either vary or depart according to 5K2.23 or 5K2.0(a)(2) to
16 adjust Mr. Ramic's sentence in this case with a discharged term
17 of imprisonment he has already served for related offenses in
18 Turkey. And as we pointed out --

19 THE COURT: Let me stop you right there,
20 Mr. Wendelsdorf.

21 MR. WENDELSDORF: Yes, sir.

22 THE COURT: Yeah. I would like to hear from Mr. Judd
23 on this issue of the argument that the terrorism enhancement
24 doesn't apply --

25 MR. WENDELSDORF: Yes, sir, of course.

1 THE COURT: -- because Mr. Ramic's conduct was not
2 intended to influence the conduct of government.

3 MR. JUDD: With Your Honor's permission, Mr. Tieke
4 would address the Court on that issue.

5 THE COURT: All right.

6 MR. TIEKE: Judge, I think that there's -- and I'm
7 going to do my best to walk through it and not rehash much of
8 the evidence that the Court heard.

9 But I think as a baseline the argument is procedurally
10 flawed because it assumes that you, Your Honor, are only limited
11 to that section of the PSR that says Syria, where -- and I'll
12 address the other points later, but that you're only limited to
13 paragraph 50. You're not. The Court can rely on relevant
14 conduct at sentencing, it can rely on the evidence that's found
15 to have -- the words are some minimum indicia of reliability
16 that you can rely on. That case is *United States v. Hough*,
17 276 F.3d 884. That's a Sixth Circuit case. The district court
18 may rely on any competent evidence in the record as long as
19 there's some minimum indicia of reliability.

20 And without rehashing every single piece of evidence that
21 the Court heard at trial, I think that collectively much of the
22 evidence that was presented at trial included the defendant's
23 knowledge about what his actions were doing. And so I'll
24 start -- if I can have the ELMO. I think that to start with the
25 actual enhancement and then the reference that it makes to the

1 statute would be helpful.

2 Oh, I've got to turn it on. I'm sorry. There we go.

3 So there's the enhancement. If the offense is a felony and
4 involves or was intended to promote the federal crime of
5 terrorism, and then you reference the statute.

6 And so there -- so the federal crime of terrorism is defined
7 as calculated to influence -- is calculated to influence or
8 affect the conduct of government by intimidation or coercion, or
9 to retaliate against government conduct. And then (B) lists all
10 the statutes, which I don't think there's any dispute about the
11 second part because he was convicted of the enumerated
12 terrorism.

13 THE COURT: Sure.

14 MR. TIEKE: So we're only really looking at is
15 calculated to influence the conduct of a government.

16 And so, first, the argument is legally flawed for a number
17 of reasons. It assumes that that government -- the statute just
18 uses the word "government." It doesn't say "government
19 recognized by the United States of America."

20 THE COURT: Of course it doesn't. So what am I
21 supposed to do? Look at Merriam-Webster's dictionary --
22 shouldn't I? -- or Black's Law Dictionary in the absence of a
23 definition? I mean, that's what I did.

24 MR. TIEKE: Well, I don't even think that the Court
25 needs to consider whether -- you should look at the word for

1 government. But Mr. Ramic's actions clearly indicate an intent
2 to affect not just the United States but other countries as
3 well, and that evidence was presented ad nauseam at trial.

4 And, frankly, his own actions in terms of joining ISIS,
5 flying to join ISIS, there's a general understanding, I think
6 Dr. Vidino testified, about what ISIS was doing in terms of
7 affecting governments through its terrorism activity. But
8 Mr. Ramic's own social media and his communications with his
9 co-defendants contain ample evidence that the Court could find
10 by a preponderance that his actions are intending to influence
11 governments.

12 For example, we have, if the Court will recall this, social
13 media discussing, you know, families of fallen veterans with the
14 United States flag back there. And this was accompanied by a
15 post, social media. "Are you ready for a joint mission to make
16 more of them fall? #IS. #Iraq. #US," with the American flag.
17 This was a social media post celebrating exactly what ISIS is
18 doing.

19 There is this post, if the Court will recall from trial,
20 where Mr. Ramic is discussing the daughters of the President of
21 the United States being sold into slavery. And if the Court
22 will recall, Malia Obama was 16 years old and Natasha Obama was
23 13 years old at the time of the posts.

24 We have discussions about the differences between diameter
25 from different planes, allied forces that were in the region

1 where Mr. Ramic was actually actively fighting, not just the
2 United States. I mean, we have other Twitter posts mentioning,
3 you know, two -- the "Rafidah," or the rejectors, "the Shia of
4 Iraq, you have two options. Sunnah or die." So there's a
5 recognition. And then, of course, this post that we --
6 references Egypt. This is the one that we discussed at trial.

7 THE COURT: Mr. Tieke, wouldn't you agree that at
8 trial all the evidence really was that Mr. Ramic -- in terms of
9 his actions, they were all directed towards his efforts to join
10 ISIS as a fighter to help liberate this caliphate in Eastern --
11 Northeastern Syria; right?

12 I mean, refresh me if I'm mistaken, but I don't remember any
13 evidence that Mr. Ramic intended or was involved in any shape,
14 form, or fashion with random acts of violence against innocent
15 populations, that -- at least this is the overwhelming
16 impression I got at trial, is he was wanting to go fight a war
17 so that this band of Sunni Muslims would be able to impose
18 sharia law on their own country, their own territory. I mean,
19 that's what I took away from the trial, but not that he -- not
20 that any of these efforts were directed towards the Obama
21 children or that he was -- intended to be a suicide bomber.

22 In fact, what I recall is he signed up with the army. When
23 he got to Syria, he signed up with ISIS, and they took
24 information from him just like they did -- just like you would
25 in many armies. It seemed to have been organized largely as

1 what I would think of as a conventional army, not a -- not
2 intending to engage in random, senseless acts of violence
3 intended to terrorize the general population, but to attack and
4 control that area of Syria.

5 And so, frankly, the PSR, when it said that the ISIS forces
6 that Mr. Ramic joined were fighting the PKK and the Syrian
7 government, that's exactly what I remember at trial. I was
8 frankly taken aback by the argument that the Syrian government
9 wasn't a government. But the PKK clearly was not. That was
10 another terrorist organization.

11 And that's what I mentioned earlier. During the trial, the
12 one thing that really -- I mean, I sit up here and take notes.
13 I remember scribbling down, "The enemy of my enemy is my
14 friend," in that these ISIS terrorists -- it's a foreign
15 terrorist organization, so they were terrorists by definition.
16 But they weren't fighting the United States. They were fighting
17 for their own caliphate. They were fighting the Kurds, the PKK,
18 and the Syrian government.

19 So here's what I did -- and I frankly think this is the
20 answer, is when you're looking at the enhancement based upon an
21 intent to influence or affect the conduct of government, it
22 doesn't say -- if they intended that to say "government
23 recognized for diplomatic purposes by the United States," that's
24 what it would have said. But government -- I looked up
25 Merriam-Webster. "Government" is defined as the body of persons

1 that constitutes the governing authority of a political unit or
2 organization. The government of Syria. I mean, to me -- and
3 then Black's Law Dictionary has essentially the same definition.

4 And because the statute doesn't indicate any other
5 definition, it seems that clearly the government of Syria
6 satisfies the requirement that the offense conduct was intended
7 to influence or affect the conduct of government, that being the
8 government of Syria.

9 So that's how I got to -- I mean, when I read the
10 defendant's sentencing memo, I was -- like I said, I was -- I
11 was surprised. It seemed like a great argument, except that
12 taking a very specific, you know, quote from the U.S. Supreme
13 Court, I think that if the statute was intended to have a more
14 specific definition rather than a general definition, how it
15 is -- just the plain ordinary meaning of the word, Congress
16 would have specified.

17 MR. TIEKE: Right. And that's what I brought up at
18 the beginning. It doesn't specify that. The Syrian government
19 would qualify.

20 And, Your Honor, some of the testimony -- Dr. Vidino
21 testified at trial about this very issue in terms of what Syria
22 looked like at the time, regardless of what portions Assad
23 controlled or not. But he even then -- you know, at least
24 Dr. Vidino testified that Syria was still a recognized
25 government and country at that time.

1 My point in bringing up all these other instances of
2 Mr. Ramic's knowledge was that I think when you join ISIS, you
3 have an understanding that it's attempting to -- he was in the
4 sector involving Syria, but the entire goal of ISIS would be
5 to -- would be to essentially take that viewpoint and conquer as
6 much territory. So the fact that -- I would agree with you in
7 that his actions, in terms of what he did, it affected that
8 portion, but he also, I believe, based on much of the evidence
9 in terms of his social media posts, had a broader understanding
10 of the effect of ISIS's activities on other countries as well.

11 Syria. This is another -- I mean, another example here
12 where this demonstrates a broader understanding. "... air
13 strikes will not defeat," this broader idea of ISIS's effects on
14 other governments, not just the immediate one that he was
15 involved in in terms of his actions in Syria.

16 So my point in showing those was to demonstrate that his
17 knowledge seems to be broader than just his own narrow scope of
18 what he was doing in Syria, which would have qualified, but
19 also, you know, these other posts tend to show that ISIS
20 generally and being a fighter for ISIS is calculated to
21 influence or affect the conduct of government. Not just Syria,
22 but other ones as well.

23 THE COURT: Well, I think in terms of general intent
24 versus specific intent, to me -- like I said, the way I read the
25 3A1.4 and the definition that's incorporated from

1 18 U.S.C. 2332b(5), I think that that's satisfied and that
2 terrorism enhancement does apply.

3 MR. TIEKE: Thank you, Your Honor.

4 THE COURT: All right. Mr. Wendelsdorf, next.

5 MR. WENDELSDORF: That bring up then -- we
6 respectfully disagree, of course, but I understand that. That's
7 how these things go.

8 Is Your Honor agreeing with me, however, that the only two
9 entities that were directly impacted by Mr. Ramic's behavior
10 were the forces under the command of Assad and the PKK, as set
11 forth in the PSR? Was Your Honor giving me that?

12 THE COURT: That was my recollection of the evidence.

13 MR. WENDELSDORF: Thank you, Judge.

14 THE COURT: Yes. And so if you're right about the
15 limited definition you came up with, you know, you find a
16 definition of "government," but I don't think that's what
17 Congress intended here.

18 MR. WENDELSDORF: Very good.

19 THE COURT: Frankly, I don't.

20 MR. WENDELSDORF: I understand, Your Honor. Thank
21 you.

22 Which then brings us to an issue which I'd hoped we wouldn't
23 have to get to, and that is the criminal history category. We
24 believe that a criminal history category of VI substantially
25 overrepresents the true criminal history of this defendant and

1 for the reasons we set forth in our sentencing memorandum.
2 Again, I need not read it back to the Court. But we all know
3 that Mr. Ramic's actual criminal history was a very, very old
4 traffic offense, that he was under intense surveillance by the
5 FBI for years. He lived in this country for years, never
6 committed any other criminal offenses or violent offenses other
7 than that one traffic offense. This is not a Category VI
8 individual.

9 Now, the Category VI in this case is applied as a result of
10 the enhancement, but just like everything else in the
11 guidelines, it is advisory only. It is not binding on the
12 Court. And if you look, as we cite in our sentencing
13 memorandum, the rationale behind the criminal history categories
14 and why we have criminal history categories and how we calculate
15 criminal history categories, if you go to that instead of just a
16 one size fits all, I think Your Honor would agree with us this
17 overrepresents his true criminal history category. And at the
18 very least, we ask the Court to downward depart to a criminal
19 history category of I.

20 MR. JUDD: Judge, we obviously would defer to the
21 guideline enhancement that says the application should be
22 Category VI, and that's what the guidelines impose for
23 application of the terrorism enhancement in this case. We think
24 it makes sense. Terrorism was specifically designated as
25 significant criminal activity, and the guidelines follow that as

1 well.

2 THE COURT: And for the guideline purposes, yes, I'm
3 going to accept the criminal history category of VI. That's
4 what the guidelines instruct.

5 What about to me seemed to be a late developing argument
6 regarding the mandatory minimum sentence of ten years?

7 MR. WENDELSDORF: I think we're in agreement on that,
8 Judge.

9 THE COURT: Okay.

10 MR. WENDELSDORF: Initially, the government took the
11 position that there was a mandatory minimum prison sentence of
12 ten. We objected to that in the record. I believe Mr. Tieke
13 indicated to the probation officer that he agrees with our
14 argument.

15 This is a very poorly worded statute. I mean, it's abysmal.
16 But I think it's very clear that what it says is, is that anyone
17 who violates it shall be punished by a fine or a prison sentence
18 of ten years or both. And in my objection, I referenced other
19 more traditional mandatory minimum sentences which make it very
20 clear that there shall be a prison sentence and it shall be no
21 less than this. Our position is -- and I believe the United
22 States agrees with me -- is that you are not obligated by the
23 statute to impose a ten-year sentence, but if you impose a
24 prison sentence on Count 3, there's nowhere to go but ten years.

25 But what that means is that in fashioning what Your Honor

1 believes to be an appropriate overall sentence that Your Honor,
2 for example, could sentence Mr. Ramic to seven years on Count 1,
3 seven years on Count 2, and a fine on Count 3 and thereby giving
4 him a sentence of seven years. There's no requirement that the
5 Court impose a ten-year mandatory minimum.

6 And I think we're in agreement.

7 MR. TIEKE: That's right, Judge. If the Court were to
8 impose a sentence of imprisonment on Count 3, it would have to
9 be ten. So I would agree with Mr. Wendelsdorf on that point.
10 So effectively it establishes a mandatory minimum, as that
11 word's colloquially used. So if there's a prison term sentence
12 on Count 3, it has to be ten years.

13 MR. WENDELSDORF: But there doesn't have to be a
14 prison sentence.

15 MR. TIEKE: No. There could be or a fine, as
16 Mr. Wendelsdorf said, or both. And so -- but if the Court
17 chooses to impose a sentence of imprisonment with respect to
18 Count 3, it would have to be ten years on that count.

19 MR. WENDELSDORF: I think we're in agreement.

20 MR. TIEKE: Yes.

21 THE COURT: All right.

22 MR. WENDELSDORF: And then the only other argument,
23 Judge -- and I spent quite a bit of time on this -- would be the
24 3553(a)(2) factors, and I believe my sentencing memorandum
25 speaks for itself on that.

1 We believe that a sentence substantially below that
2 recommended by the PSR and by the guidelines is the appropriate
3 sentence in this matter, assuming, as the Court has done,
4 applies the 3A1.4 enhancement that ups the ante. But then
5 again, all that leaves us with is a recommended sentencing
6 range, and the guidelines, of course, are only one of the many
7 factors that the Court must consider in applying a rational
8 sentence in this matter. And for the reasons outlined in our
9 sentencing memorandum, we believe that those indicate and compel
10 a substantially lesser sentence than that recognized by the
11 guidelines.

12 And then, lastly, whatever sentence the United States -- the
13 Court decides is the appropriate sentence in this case, we have
14 asked that the Court vary or depart downward from that sentence
15 by at least 68 months to adjust for the discharged term of
16 imprisonment that Mr. Ramic has already served, for the reasons
17 outlined in our sentencing memorandum. And we believe because
18 of the barbaric conditions of that incarceration that the 68
19 months would be the minimum amount of time that the Court should
20 downward depart.

21 So I think first the Court should decide that under 3553
22 this is the appropriate sentence and then downward depart, as
23 suggested by the PSR itself, by no less than 68 months.

24 And I'm done. Thank you.

25 THE COURT: Two things. So, first, you do agree,

1 then, that under the guideline, as I have found with the
2 terrorism enhancement, the guideline range is 360 months to the
3 statutory maximum on the three charges of 600 months? Correct?

4 MR. WENDELSDORF: According to Your Honor's rulings,
5 that's correct, Your Honor.

6 THE COURT: Okay. Very well.

7 And with regard to Count 3, if there is a sentence imposed
8 on Count 3, it has to be ten years. And against that ten years,
9 there can be no credit given for the time --

10 MR. WENDELSDORF: Oh, I believe there can be, Judge,
11 but I understand what you're saying.

12 THE COURT: Okay. Well, that's what I want to know.

13 Then I would like, Mr. Judd, for you to address that. If
14 there's a sentence under Count 3 that has to be ten years --

15 MR. JUDD: Yes, sir.

16 THE COURT: -- does the Court have the latitude to
17 count against that ten years -- and I've got 67 months is what I
18 thought the PSR said.

19 MR. WENDELSDORF: I'll concede the month.

20 THE COURT: Sixty-seven months for time in the Turkish
21 prison.

22 MR. JUDD: I think that time is correct. The 67
23 months is five years and six months.

24 THE COURT: Right.

25 MR. JUDD: Your question is -- reading the statute is

1 shall impose a fine or imprisonment of ten years or both. So
2 you have -- if you give a prison sentence on it, it's the
3 position of the United States you don't have any discretion
4 except to give ten years on that.

5 THE COURT: A hundred and twenty months with no
6 credit?

7 MR. JUDD: That's correct.

8 THE COURT: That's what I thought.

9 (Simultaneous speaking not reportable.)

10 MR. JUDD: -- credit another sentence, another charge,
11 Count 1 or 2.

12 THE COURT: Okay.

13 MR. WENDELSORF: Yes. If I understand what Your
14 Honor is saying, then, yes, the credit could be applied to
15 Count 1 and Count 2.

16 MR. JUDD: We're going to argue against it from the
17 government's perspective.

18 THE COURT: I understand. I understand.

19 But if there's a term of imprisonment under Count 3, credit
20 for that 67 months cannot be given against the mandatory 10-year
21 sentence?

22 MR. JUDD: That would be the position of the United
23 States.

24 THE COURT: That's what I thought.

25 MR. JUDD: Yes.

1 MR. WENDELSDORF: But we would disagree with that.
2 Compare that to the other statutes I cite in my response, and
3 this is where -- for example, in drug cases or sex offenses.
4 Shall be imprisoned for no less than X years. Puts a floor
5 underneath that.

6 Now, I would concede that in a situation like that, you
7 can't give a credit under -- for a discharged term, but we don't
8 have that language here. This is a very poorly worded statute.
9 I think everyone would agree with that. But I think you can
10 detract from it. But even if Your Honor agrees with the
11 government that that ten years, if you imply -- if you apply a
12 prison sentence, cannot be subject to reduction because of
13 Turkey, clearly any sentence in Counts 1 and Count 2 can.

14 And, lastly, keep in mind, Judge, that this is three charges
15 coming out of the same course of conduct. Whatever the Court
16 does, we would hope that Your Honor would run these terms
17 concurrent with each other.

18 THE COURT: All right. Mr. Judd?

19 MR. JUDD: Yes. I would like the opportunity to
20 address the Court for the 3553(a) factors --

21 THE COURT: Sure.

22 MR. JUDD: -- dealing with Mr. Ramic.

23 As the Court knows, Mr. Ramic's history goes way back in
24 this case to 2009 when he was a naturalized citizen in the
25 United States where he became a citizen. Almost immediately, a

1 month later, he obtained his passport, which we believe is his
2 intent to travel outside the United States. Less than a year
3 later, he had purchased a ticket and traveled to Yemen. We
4 believe at the time Yemen was, you know, basically infiltrated
5 by Al-Qaeda at the time.

6 What we know about Mr. Ramic's intent at the time was later
7 when the FBI interviewed him on his way back. They interviewed
8 him in Germany, they interviewed him in Philadelphia, and they
9 subsequently interviewed him in Bowling Green. And his travel
10 at the time under suspicious circumstances is what initiated the
11 case. Rightfully so. And the FBI did its job, its due
12 diligence, to try to make sure that the community was safe from
13 somebody that may have the intent to engage in terrorism.

14 And so they opened a case on him. He was interviewed three
15 times. And the significance of those interviews is that
16 Mr. Ramic knew what the FBI was investigating. They knew he was
17 trying -- they were trying to ferret out whether he had intent
18 to engage in terrorist activity in a foreign country. The FBI
19 uses its resources. They engage a confidential human source to
20 try to ferret out what his true intent is. It's so difficult to
21 get into a man's mind that you have to use the techniques that
22 law enforcement has at their ability to use.

23 So they engaged a confidential human source, and they also
24 used an undercover FBI employee. And from that is really the
25 only place we can draw why he went to Yemen. Al-Qaeda was very

1 active in Yemen at the time.

2 And then he speaks to the FBI undercover on the platform
3 known as Authentic Tauheed, which is the Paltalk application, in
4 chat rooms that are operated by a known terrorist supporter,
5 Shaikh el-Faisal. And this is -- Ramic basically -- Mr. Ramic
6 is becoming radicalized and consuming jihadist material inside
7 that platform, and it's not normal religious materials. It is
8 anti-Western rhetoric. It is also, as the judge has seen from
9 the sermon that he downloaded -- there were multiple sermons
10 that he had, but that one was specific. And the United States
11 was caught by the fact that they were talking about improvised
12 explosive devices, traveling, you know, to foreign countries to
13 engage in jihad.

14 But the undercover from the FBI spoke to Mr. Ramic on the
15 platform, and Mr. Ramic said you have to basically lie about
16 your true intentions to travel to engage in jihad. He also said
17 that when he was naturalized, instead of saying the oath of
18 allegiance, as so many people would love the opportunity to do
19 in the United States, he said the Shahadah and cursed the
20 kuffar. And the kuffar basically stands for someone who doesn't
21 believe the same thing as Mr. Ramic. So from that, the FBI
22 draws the understanding that Mr. Ramic traveled for reasons
23 other than to study at the Dar al Mustafa school located in
24 Yemen.

25 So between 2011 through 2012, Mr. Ramic engaged in those

1 communications with the online undercover from the FBI that
2 testified, from the CHS that had testified. And through a
3 search, the FBI was able to examine Mr. Ramic's Compaq Presario
4 computer, where they found evidence of his use of Paltalk,
5 basically the requirements of jihad sermon. There was obvious
6 interest in Osama bin Laden, other known terrorist leaders, and
7 Shaikh el-Faisal, who was a known jihadist that encouraged
8 people to engage in acts against the West.

9 In 2014 was when Mr. Ramic, Alkhalaf, and Alnwfal decided to
10 plan and execute their travel to Istanbul, Turkey. I would just
11 note for the Court that Mr. Ramic had an end leg ticket that
12 would result in him being able to travel successfully back to
13 Bosnia. The end leg of his ticket that he chose not to take at
14 the time would have taken him back to where he was from. He
15 would have had the opportunity not to engage in terrorism, not
16 join ISIS, receive training, and actually fight a war in Kobani.

17 Likewise, his two co-conspirators who shared his same
18 beliefs had end tickets in Saudi Arabia. They met up in
19 Istanbul. They paid cash for a ticket to Gaziantep, a town
20 close to the Syrian border, of which they traveled to Tal Abyad
21 and basically enlisted in ISIS as military fighters. They had
22 some choices. They chose to fight and enlist.

23 As the Court knows, later -- I would just note the travel is
24 unique. It's not like he flew straight to Istanbul. They
25 concealed the last leg of their trip. Some tradecraft involved.

1 They paid cash. They were clearly avoiding detection.

2 THE COURT: No. There's no question. No. There was
3 a conspiracy to get to whatever that little town was in Turkey
4 where he crossed over. Yeah. You-all laid that out with -- in
5 great detail. I remember that extremely well. There's no
6 question that Mr. Ramic left the United States with his two
7 buddies from Western and they wanted to go fight this war.

8 MR. JUDD: Yes, sir.

9 THE COURT: And that's what they did.

10 MR. JUDD: Just to point out a few things throughout
11 the case that I would like just to highlight for the Court.

12 You know, he was then transported to Al-Tabqa, which is
13 close to Raqqa, which was the provincial capital of ISIS. It's
14 at that time he received his military training, mostly
15 involving, you know, Islamic religious training as well as
16 weapons training.

17 If you remember, Mohammed Das had testified that's where he
18 met Mr. Ramic. But in his testimony, Mohammed Das had testified
19 that -- he used a term that I really wasn't familiar with and I
20 think my colleagues either. He used the term "ghulu." Brought
21 to our attention that -- basically he explained that that meant
22 he was extreme and violent. As you remember, Mr. Das had
23 documented his Kik username, abuhazimi, and who he was and what
24 he was doing at the time.

25 Later, Ramic begins around July of 2014 using Twitter and

1 posting many of the things that my colleague, Mr. Tieke, had
2 shown the Court. And it was through that process that basically
3 the discovery that he had traveled with Alkhalaf and Alnwfal to
4 Syria to engage in jihad and to support ISIS.

5 THE COURT: Let me ask you this, Mr. Judd: The
6 trial's been ten months ago, and it was -- you know, there was a
7 lot of information. But was there any evidence produced that
8 Mr. Ramic engaged in any incriminate acts of violence against
9 innocent civilians for the purpose of creating terror in a
10 general population?

11 And that -- to me, that's my conception of terrorism, and
12 that's -- I don't recall any of that. Again, it seemed this
13 whole holy war -- and not just holy war against the world but to
14 fight for this caliphate -- seems to be -- it seemed to be the
15 United States' theory of the case all along that that's what he
16 intended to do and that's what he did.

17 And I know you-all included -- I remember the slides --

18 MR. JUDD: Yes.

19 THE COURT: -- that you included in your sentencing
20 memo that seemed to indicate support for some heinous acts. I
21 know the beheadings of the Coptic Christians was referenced.
22 But I don't recall any evidence that Mr. Ramic had any
23 involvement in any activity like that.

24 MR. JUDD: Well, he was involved in the assault of
25 Kobani, Your Honor.

1 THE COURT: Which was a battle fighting -- that was --
2 this is what I took from the evidence: That was a battle
3 fighting for the creation of this caliphate.

4 MR. JUDD: Yes. I agree that he fought with ISIS, a
5 terrorist organization, to create a caliphate, but it's his
6 expression and his role as a propagandist for ISIS that he
7 expresses these violent ideas.

8 THE COURT: So that was -- my question was: Is there
9 any evidence that Mr. Ramic engaged in acts of indiscriminate
10 violence against -- what I would think of as an atrocity other
11 than engaging in battle as part of an organized armed force?

12 MR. JUDD: I would say yes, Your Honor.

13 THE COURT: Okay.

14 MR. JUDD: I think the invasion --

15 THE COURT: Please remind me what that was.

16 MR. JUDD: I think the invasion on Kobani, the impact
17 on the Kurdish people, and forcing them in the invasion to
18 relocate. And a lot of them were killed. A hundred thousand
19 Kurds perished during the invasion of Kobani, moved to Turkey,
20 and there was a human rights atrocity caused by ISIS. They may
21 be a caliphate, but they're a bunch of indiscriminate killers
22 who have targeted the West and each other to take over a
23 sovereign country to engage in terrorism.

24 And he fought on behalf of ISIS. And I don't have a picture
25 of him --

1 THE COURT: Right.

2 MR. JUDD: -- burning somebody alive in a cage, but he
3 advocated for similar things using his postings on Twitter,
4 which is the Coptic Christians, you know, talking about the
5 airplanes, enslaving human beings, Natasha Obama. He talks
6 about having slave girls clean his house. This may be a
7 caliphate that's focused on something -- increasing their land
8 holdings, but they also are a bunch of terrorists who engage in
9 violent activity for which he expressed his support for.

10 I do not -- I know the Judge's question. I do not have
11 people that watched him. I have people who saw him go to battle
12 with a weapon.

13 THE COURT: But weren't they fighting the PKK and the
14 governmental forces of Syria?

15 That -- again, that's what I recall. That was the
16 impression I got from the evidence that was presented.

17 MR. JUDD: Yes, but it does not stop there. I don't
18 think it does.

19 I think the Western idea -- his association with Adnani, the
20 propaganda minister, where he says #Adnani, where they changed
21 their ideas from expressing people coming from foreign countries
22 to join to doing terrorist acts outside the United States.
23 Mr. Ramic's propaganda, his expressions of support are violent,
24 I believe. I don't have him, you know, pulling the trigger or
25 burning somebody in a cage, but we think -- you know, he knew --

1 everybody in 2014, before he went, knew that ISIS was engaged in
2 terrorist activities. It was all over the news. He would have
3 had to know it. He already knew the FBI had talked to him
4 multiple times about it.

5 You know, I think that is terrorism and really goes to the
6 nature and circumstances of Mr. Ramic's offense, which is the
7 United States' focus in the sentencing factors for the criminal
8 activity. You know, looking at his history going forward that
9 he had multiple roles to fill for ISIS. And propaganda from our
10 perspective, you know, is important. Also, fighting, taking up
11 arms, enlisting, training, all those things are accounted for
12 throughout his history.

13 THE COURT: So the -- is the propaganda the messages,
14 whether it was WhatsApp or Instagram?

15 MR. JUDD: These were Twitter messages.

16 THE COURT: Twitter messages.

17 MR. JUDD: Or Twitter postings. Excuse me.

18 THE COURT: You know, I looked at the images that the
19 United States included in its sentencing memo, and I couldn't
20 tell how many people those went to. Usually it will show how
21 many followers. My impression at trial was that these were
22 tweets that he was sending to his buddies and not that he had a
23 million followers, that he was helping create a bigger movement.
24 It seemed to be more a chat between Mr. Ramic and his two
25 co-conspirators or his two buddies from Western.

1 MR. JUDD: That's true. There were messages between
2 them. But the postings that are the focus in our memo are open
3 source, collected by the FBI, for anyone to see, for anyone to
4 view. And, you know, ultimately his platform would have been
5 shut down. He opened up another, abuhazime with an E, on
6 Twitter in order to continue, you know, just popping out threats
7 or violent material.

8 THE COURT: But was there evidence presented on how
9 many people viewed those messages?

10 MR. JUDD: No.

11 THE COURT: Okay.

12 (Simultaneous speaking not reportable.)

13 THE COURT: I was just kind of left, again, with the
14 impression that he -- there was an absence of an impression that
15 there were any significant number of followers that viewed
16 those -- that viewed those messages. I couldn't tell from what
17 was presented at trial, and then when I looked back at the
18 images included in your sentencing memo, I also couldn't tell --
19 I mean, I'm not a big Twitter, Instagram person, but generally
20 when you see them, you see, oh, this has 13,000 views or 1,200
21 likes. I didn't see any. I saw no indication that there was
22 anyone, frankly beyond Mr. Ramic's two friends, who saw this
23 information.

24 And if you don't know, that's fine. But, again, to me,
25 there's an absence. There's an absence there of information

1 that could very heavily impugn Mr. Ramic's involvement in going
2 to fight this war.

3 But -- and I think maybe the United States used the word
4 "propagandist" in its sentencing memo, and frankly that's the
5 part that kind of lost me, because I didn't -- no more of a
6 propagandist than somebody's teenage daughter or child -- I've
7 got daughters -- but that some college kid may send out a tweet
8 that ten of his or her fraternity brothers or sorority sisters
9 might see. I didn't even see that. I didn't even see that
10 there were ten people that saw it.

11 And they were -- I will give you this: They were
12 inflammatory. I mean, they certainly did give an insight into
13 Mr. Ramic's mindset that he -- you know, the beheading of the
14 Coptic Christians on a beach, wherever that was, I mean, if you
15 ever saw an allusion to those images, it's kind of hard to
16 forget that. But in terms of this crime of providing material
17 support, the United States didn't make the connection with me on
18 that.

19 MR. JUDD: Understood.

20 We certainly, you know, believe these show the intent of
21 Mr. Ramic and his support for them. Certainly, you know, he
22 hashtags ISIS and makes violent rhetoric. Certainly shows his
23 intent, Judge, and I think that's one of the points we wanted
24 you to take away. We didn't really focus on how many people he
25 had influenced or, you know, the world in which he was able to

1 reach.

2 THE COURT: That really wasn't part of your case;
3 right?

4 MR. JUDD: No, sir. It certainly was not an element
5 we needed to prove, so we didn't really focus on it.

6 THE COURT: Well, then so it's kind of hard for me to
7 take that into account when it's time to sentence.

8 MR. JUDD: Well, I mean, they're his postings. He
9 made them. We think they're inflammatory. That's the purpose
10 for us putting them in our sentencing memo. Certainly show his
11 violent statements toward the President of the United States
12 daughters and his advocacy for taking up arms and identifying
13 dead soldiers by a pamphlet that's given to retired -- or
14 dead -- basically soldiers who died in combat's family. And we
15 think that is anti-U.S., we think that expresses his
16 understanding of what he's doing, and that's why we submitted it
17 to the Court.

18 THE COURT: Well, reprehensible, no doubt.

19 MR. JUDD: And, Judge, I just have a few more points,
20 and then I'll sit down.

21 We are asking for a significant sentence for Mr. Ramic in
22 this case. You know the facts of the case, the nature and
23 circumstances of the case, and this specific incident. I think
24 it's more than just him joining a caliphate to try to go to war.
25 I mean, I think he joined the idea of ISIS and what they were

1 trying to achieve, and we would ask the Court to keep that in
2 mind, that this was a larger organization with a lot of goals
3 than just taking over a piece of land in ISIS territory. I
4 think they wanted to expand, and certainly his tweets advocate
5 and show his state of mind when he's there. He takes up arms
6 specifically in Kobani. Kobani's impact was significant for
7 Kurdish people in the community.

8 And perhaps the most striking thing about Mr. Ramic is there
9 is no indication of any remorse for the criminal activity here.
10 There's no detachment from ISIS from him. He did leave ISIS.
11 He was arrested under a false name in Turkey with a false
12 document. You sat through the trial. We saw Mr. Ramic during
13 that time period.

14 You know, there are aggravating circumstances here for
15 Mr. Ramic in that he is not just a person that intended to go,
16 that got caught at the airport. He actually was able to achieve
17 his goal, which I think, based on his history, was a
18 long-standing desire of his to go support a foreign terrorist
19 organization that engages in jihad. I think that should be a
20 concern for the Court in this case, specifically for protection
21 of the public, protection of this community, and --

22 THE COURT: Let me ask you this, Mr. Judd --

23 MR. JUDD: Yes, sir.

24 THE COURT: -- with regard to protecting the public:
25 Mr. Wendelsdorf argues strongly that Mr. Ramic is going to be

1 deported once his term of imprisonment ends. I'm under the
2 impression that I can't consider that. Do you agree?

3 MR. JUDD: I don't think we know what's going to
4 happen with Mr. Ramic. You know, I think it's possible. I
5 don't know the answer to whether he will conclusively be
6 deported. I don't think it's automatic.

7 We've consulted with DOJ on this as to whether he would
8 automatically be deported. No. I think it's more complicated
9 than that. There may be a denaturalization process. All of
10 that is outside of the prosecution team's hands. And I don't
11 think any of it is automatic.

12 THE COURT: Do you believe it's inappropriate for the
13 Court to consider that?

14 MR. JUDD: Well, Judge, treading carefully, I would
15 ask the Court not to consider it because it's really not
16 relevant to what he did in this case. And the idea of
17 protecting the public --

18 THE COURT: Yeah, protecting the public. That's the
19 whole thing.

20 MR. JUDD: Because we don't know that it's going to
21 happen.

22 THE COURT: Right.

23 MR. JUDD: I don't think we know that it's going to
24 happen. Somebody may pursue it. They may file the paperwork.
25 And it's out of your hands; it's out of my hands. It's with

1 some ALJ somewhere that would proceed on the factors on which
2 they understand, which I do not, and ultimately make a
3 determination. But I think it's complicated. I've looked at
4 things like that before, and it's based on facts that happened a
5 long time ago and the requirements.

6 But the point being we don't know and I don't think it's
7 automatic, and we would request the Court not to consider that
8 it be, you know, something that's absolutely going to happen
9 because we don't know that.

10 THE COURT: I won't consider it at all. I don't know
11 it's going to happen. I do have an impression. My impression
12 is that if there's ever somebody that would be appropriate for
13 deportation, it would be Mr. Ramic.

14 You know, he came to the United States. He hated it. He
15 wanted to leave. He went, you know, to Syria. He hated that
16 too. I don't know where he's going to go. I'm assuming Bosnia.
17 But like I said, I'm not going to consider it because I don't
18 know what's going to happen.

19 MR. JUDD: We don't know whether Bosnia would take
20 him. I don't know the answer. I think he has dual citizenship,
21 so maybe that's an option. We don't know.

22 But in conclusion, Your Honor, if I may, I mean, we're
23 asking the Court to focus on the nature and circumstances of
24 this offense and protecting the public and deterring individuals
25 who have been successful in their attempts to leave the country,

1 go to ISIS, and fight. Some of them are stopped at the airport.
2 That's not Mr. Ramic. Mr. Ramic was able to get there, train,
3 effectuate his goals, and do the offense conduct that the
4 Court's familiar with. So we'd ask the Court to take the nature
5 and circumstances of the offense into account as well as
6 protecting the public and deterrence in this case.

7 We would ask for a sentence on each count -- the first two
8 counts of 20 years, and then on Count 3, we would ask the Court
9 impose a sentence of 10 years, with a lifetime of supervised
10 release.

11 An important factor we'd ask the Court to consider is he has
12 not indicated any type of remorse. Mr. Ramic is a hard-liner.
13 There's nothing to indicate he's changed his viewpoints on what
14 he believes, and his belief is that ISIS and the caliphate were
15 expanding territory. He took up arms for them. He made
16 statements in his tweets. And we think a serious sentence in
17 this case, based on Mr. Ramic's behavior, is appropriate, and
18 we'd ask the Court to do so.

19 Thank you.

20 THE COURT: Mr. Wendelsdorf?

21 MR. WENDELSDORF: Two things, Your Honor. Again, I
22 stand on my sentencing memorandum, but I just wanted to respond
23 to two points made by the government.

24 One is the perceived lack of remorse, the lack of rejection
25 of ISIS and its mentality. I'm somewhat constrained in what I

1 can say on the public record because I would be quoting from
2 materials that are classified. However, I did include in my
3 sentencing memorandum under seal -- and I'm sure Your Honor has
4 seen Exhibit C, which are communications from Mr. Ramic to
5 others following his leaving ISIS and being arrested in Turkey,
6 in which he repudiated ISIS.

7 He used the term "takfir" in responding to or in describing
8 ISIS leadership, and he had declared takfir on them, which is a
9 means of excommunication of one Muslim by another. It's a way
10 of accusing another Muslim of being an apostate. And, of
11 course, in Islam, an apostate is a Muslim who has abandoned
12 Islam in thought or deed. It's an accusation of blasphemy or
13 heresy, the strongest denunciation in Islam.

14 With the -- well, I won't even ask the United States to
15 agree to let me read these into the record. Your Honor has seen
16 them. They're Exhibit C.

17 But this indicates a total repudiation by Mr. Ramic of ISIS
18 and its mentality and abandonment of its leadership. We
19 referenced this in our sentencing memorandum that he saw the
20 hypocrisy and the lies of ISIS and repudiated them. This is
21 very, very similar to Mohammed Das and his change of attitude
22 once he saw the lies that ISIS had perpetrated.

23 The second thing I'd like to comment on, it may or may not
24 be really relevant to sentencing, but it keeps coming up. And
25 that is Mr. Ramic's supposed glee over the beheading of the

1 Coptic Christians in Libya. As Your Honor correctly pointed
2 out, he did indicate a support for that outcome for those
3 people, although he did not participate directly or indirectly
4 in that.

5 I would refer the Court to the sentence -- to the PSR. This
6 isn't my spin. This isn't the government's spin. This is your
7 probation officer's spin.

8 In paragraph 12: Mirsad Ramic is a Bosnian national and a
9 naturalized U.S. citizen. He was born in the Socialist Republic
10 of Bosnia and Herzegovina in 1990, which was then an autonomous
11 province or constituent state of the former Socialist Federal
12 Republic of Yugoslavia.

13 Ramic spent his formative years in war-torn Bosnia during an
14 armed sectarian conflict commonly referred to simply as the
15 Bosnian War. The Bosnian War occurred in Bosnia and Herzegovina
16 from about April 1992 to December 1995. The sectarian conflict
17 was marked by acts of ethnic cleansing and war crimes on behalf
18 of military forces or paramilitary groups against civilians.
19 These war crimes included genocide, mass rape, and the forceful
20 removal of ethnic minorities, such as Bosnian Muslims and
21 persons of other religious or ethnic backgrounds, at the hands
22 of military forces or those of paramilitary groups. Upon
23 information and belief, Ramic's father, a Bosniak, died in an
24 event called the Srebrenica massacre in mid-1993, where he was
25 among more than 8,000 men and boys killed in the massacre.

1 The purveyor of those atrocities were the Serbian Orthodox
2 Christians. Cops are also Orthodox Christians. A different
3 sect, to be sure, but, nevertheless, all of this suffering and
4 pain and war crimes visited upon Mr. Ramic by Orthodox
5 Christians. When he sees these other Orthodox Christians
6 receive punishment that they so freely dealt out to him, yes,
7 yes, he reveled in that. Is that an excuse? No, but it is an
8 explanation, and I think the Court should consider that.

9 Thank you, Your Honor. Mr. Ramic may want to address the
10 Court.

11 THE COURT: Mr. Ramic.

12 MR. WENDELSDORF: Pull it right up close to you and
13 speak right into it. It's not very good.

14 THE DEFENDANT: My counsel advised me not to, I guess,
15 give a statement being the fact that I might antagonize someone,
16 but I think that's coming from someone who the injustice has not
17 been done with. And for that fact, I think that I need to speak
18 my own truth when it comes to this whole issue; right?

19 So first of all, I want to say --

20 THE COURT: If you would, please, pull that microphone
21 to you a little bit more.

22 (Simultaneous speaking not reportable.)

23 MR. WENDELSDORF: You've got to get right up in there
24 . Speak right into it.

25 THE DEFENDANT: So first of all, I want to say that

1 I'm an innocent man. You know, I don't accept these charges. I
2 completely reject them.

3 And I know why I'm here. I'm here to suffer in the name of
4 Allah. And these are the same exact words that Andrew Brunson
5 said in the Turkish court after being found guilty by a jury of
6 his peers for providing material support, designated foreign
7 terrorist organization, PKK, except that he said he was
8 suffering in the name of Jesus, you know.

9 See, every single time U.S. citizens are locked up abroad,
10 they automatically get a [indiscernible] designation as
11 wrongfully detained. You know, we saw that with Brittney
12 Griner, Trevor Reed, Paul Whelan, everyone else. How come I
13 didn't get that benefit of the doubt? If their cases are
14 politically motivated, so is mine. It's politically,
15 religiously, and racially as well. Not just abroad but here in
16 the United States, you know.

17 So I believe that this was a sham trial from -- I mean, sham
18 prosecution from the start. You know, sham and -- prosecution
19 that was brought by biased, prejudiced, I believe, and rogue and
20 corrupt prosecutors, you know, with a compromised grand jury
21 just abusing discretion. You know, Chris Tieke, Josh Judd, and
22 the rest of the D.C. bureaucrats, you know, I think they're
23 upholding the same communist Marxist Islamophobes, you know,
24 upholding the manifesto of the PKK comrades.

25 For example, I believe that this whole -- you know, this is

1 a weaponized two-tiered system of justice with no equal
2 application of any laws, black or white. You know, they say
3 that extraterritorial jurisdiction, dual sovereignty applies to
4 me but does not apply to thee, you know. There's no respect for
5 the rule of law, no respect for the treaties, no respect for
6 international law, and that is why they had to resort to
7 forcible kidnapping in order to bring me back here, you know.
8 And that was proven by the Ministry of Justice of another
9 country.

10 You know, the prosecution claims that foreign countries on
11 standing of double jeopardy has no relevance to the Fifth
12 Amendment of the United States Constitution, but somehow the
13 same Constitution has relevance when it comes to an Anglo-Saxon
14 Christian for violating the same statutes as me. Individuals
15 are awarded with a visit to the White House, you know, a speech
16 in the Congress, and a meeting with Senator and Minority Leader
17 Mitch McConnell and are painted as, you know, patriots and --
18 heroes and patriots; right?

19 I mean, this nation is coming up on 250th year since it was
20 founded, you know, and I believe it's been drafted or at least
21 in our time enforced to benefit only one set of people. I think
22 that the whole Supreme Court needs to revisit the selected
23 prosecution and its biased ruling; right?

24 And what else?

25 You know, today I'm being sentenced for -- I'm not going to

1 say allegedly violating 2339B. But if that's the case, then the
2 whole Congress, the House and the Senate and everyone that voted
3 yea or abstained from a vote in support of PKK, needs to be
4 charged, including Donald Trump for, you know, doing the same by
5 saying -- by abusing his executive powers, you know. I'm asking
6 myself, How does the United States ally itself with an ideology
7 that it's supposed to have been fighting since 1950s, you know,
8 the McCarthy era, and the same policies that were implemented by
9 Ronald Reagan that contributed to me coming to this country in
10 the first place?

11 And on the other side of the aisle, while I was in the
12 immigration center in Turkey 2021, I watched Joe Biden sign a
13 peace accord agreement in Sweden, Stockholm, recognizing the
14 Houthis -- taking the Houthis off the DTFO list, recognizing
15 them as a de facto government, and giving them economical and
16 political support. And all of this led to the ethnic cleansing
17 and the demographic cleansing of Sunni populations in Yemen. Is
18 this not a violation of 2339B, you know?

19 Well, if you look at the statute of 2339B, there's an
20 exemption to it. What is the exemption? You can support, you
21 can engage in any forms of terrorism as long as you have the
22 stamp approval of the U.S. Attorney General. Then one might
23 say, according to this draconian law, that the United States is
24 the biggest sponsor of terrorism when it's in their interest to
25 do so. But for us, for other people, their best interests is

1 preventing the genocide of their people, taking matters into
2 their own hands, and not wait on some UN Security Council or
3 United States inability to stand up to the Russia-China veto.
4 You know, this is a whole story that repeats itself -- we all
5 know it too well -- at the expense of us.

6 And before I conclude on the PSR and the trial, you know,
7 PKK, its founder has been incarcerated since 1998. His
8 successor, cofounder, and his cousin was on an Interpol red
9 notice alert as an international fugitive, but somehow he's
10 allowed to come to this country, even meets with Senator Lindsey
11 Graham, and is openly soliciting funding for his organization.
12 You know, we didn't see the DOJ, we didn't see no grand juries
13 or any prosecutors taking action because they endorse these
14 groups, the same groups that they designate as FTOs.

15 Another DFTO that they're talking about in motions is the
16 YPG and the PYD. Its founder also was on an Interpol red notice
17 alert and was arrested in Czech Republic, right, awaiting
18 extradition to multiple countries. But, once again, with the
19 blessing of the DOJ, this person is released and allowed to
20 travel throughout Europe and the United States.

21 Another thing, in January, the United States just crafted a
22 \$10 million bounty on an HDS leader and recognized it as a
23 de facto government, you know, and was in Damascus and
24 everything else. So one might say, well, for the sake of the
25 power vacuum, for the sake of the profits and interest, the

1 United States is -- the United States government is willing to
2 become a state sponsor of terrorism. And this is not me
3 saying -- you know, the *Confessions of an Economic Hit Man*, a
4 former CIA agent said this decades ago; right?

5 And if you remember, last year during the campaign of Donald
6 Trump, he's telling the America people we are fighting radical
7 Marxist communists, but at the same time behind closed doors and
8 openly, he's aiding and abetting these Marxist communists,
9 including PKK. They were given, you know, tons of weapons they
10 turn around and use against a NATO member country
11 [indiscernible] Article 5 of his charter; right? But I guess
12 that doesn't matter when it comes to the Turkish regime, you
13 know.

14 But what I'm trying to -- what I'm trying to say is that
15 these people that are painting me as a, you know, danger and
16 threat, I think they pose more national security -- more
17 national security, you know, threat to this country than I ever
18 will.

19 You know -- let me see what else.

20 As far as the danger and the risk and threat to the society,
21 you know, I can name several cases -- I think this whole claim
22 is exaggerated by the prosecution. I can name several cases of
23 individuals not only being released on bond, own recognizance,
24 but while being released picking up additional charges of
25 obstruction of justice. Still, they're allowed to remain free,

1 you know, and ultimately getting as low as 42 months.

2 And they're talking about me being a danger and risk and
3 threat to society. Why bring me here in the first place? Why
4 spend a million dollars of taxpayer dollars to bring me here on
5 the same plane? And the same Turkish regime that wrongfully
6 convicted me without having counsel, without having a jury
7 trial, you know, they didn't see me as a danger or risk and
8 threat to society when they released me for a couple of months
9 before they put me in an immigration center. And all of this
10 exaggerated.

11 Since 2015, 9 out of the 12 individuals similarly situated
12 as me -- more counts, more severe charges, you know, picked up
13 from the scene of the crime, brought from Syria -- are here in
14 the United States. They're in the United States society. Well,
15 how come? They served out their sentences or are on supervised
16 release. You know, 9 out of those 12, I have served more time
17 in pretrial solitary confinement than their whole sentences.
18 And the remaining three individuals, you know, they're projected
19 to be released in 2027 and 2030. And I spent most -- right now,
20 I've been incarcerated for ten years. I spent my time in the
21 most cruel, harsh, and unusual punishment in solitary
22 confinement.

23 And all of the cases that they're quoting in the sentencing
24 memorandum has no similarity whatsoever with this case because
25 all the cases are individuals who have -- don't have a normal

1 2339B. It's 2339B resulting in death. And the other two cases
2 that are quoted are individuals who had 2339B but had other
3 counts that aggravated the charges, like *United States vs.*
4 *Mumuni Saleh* who had a 2339B with attempted murder on FBI
5 agents; or David Wright, a 2339B with assault on FBI agents that
6 resulted in the death of his uncle; right?

7 So how come they're not -- how come they're not quoting
8 cases I'm quoting if I'm such a danger, risk, and threat to
9 society? Like Warren Clark that was picked up from Syria and
10 brought over here, he's in the United States. Or Samantha
11 El Hassani, who the PBS -- PBS Frontline made a documentary
12 about, picked up from Syria, has ten more counts than me, and
13 ends up getting six years, only serves two and a half years.

14 THE COURT: All right. Mr. Ramic, I'm going to
15 interrupt you for a second.

16 THE DEFENDANT: Can I just mention --

17 THE COURT: I need to take a break, okay? I'll be
18 right back.

19 (Recess.)

20 THE COURT: All right. Mr. Ramic, I'm sorry, but I
21 had to take a break. So please continue.

22 THE DEFENDANT: I just wanted to continue on the
23 danger, risk, and threat to the society. My intention was never
24 to come to this country, nor do I wish to stay here. So given a
25 chance, I'm definitely going to be leaving.

1 But if -- you know, this exaggerated claim that I'm --
2 supposedly, you know, to protect the society and threat, I
3 already mentioned how the Turkey government dealt with me when I
4 was released in their society. But if I am so -- you know, if
5 I'm such a danger, risk, and threat to society, you know, the
6 FBI, you know, they have many cases of their own that they are
7 hiding and don't want everyone to know about.

8 Look, for example, *United States vs. Daniella Green*. FBI
9 agent went to Syria, joined ISIS, married the ISIS leader, was
10 arrested, brought back to the United States, and guess what?
11 Receives a two-year prison term with three years' supervised
12 release, which has already been completed; right? And this is
13 the last person to be shown leniency, slap on the wrist. You
14 know, with the betrayal of the agency, with the knowledge,
15 training from the academy in Virginia, no, this person does not
16 pose a danger, risk to society. She's roaming the streets of
17 D.C.

18 But when it comes to me, all of a sudden, oh, he's the most
19 dangerous. He's the walking Hiroshima/Nagasaki. We have to be
20 worried about him, you know. And the other cases that I
21 mentioned.

22 Like I said, I've been -- ten years right now I've been
23 locked up. All of the people that were in prison with me in
24 Turkey, regardless of their nationality, whether they were
25 serving out their sentences, they had gotten deported back to

1 their countries, or had suspended sentences, all of those
2 individuals that were deported back to their countries, none of
3 them were successfully prosecuted for a second time. I'm the
4 only such case in the whole history of the United States when it
5 comes to 2339B. There has not been a case before.

6 So I'm asking why. I think this is politically motivated.
7 I believe, you know, it was a puppet show. [Indiscernible] I
8 don't even know. Maybe somebody wants to use this to add
9 credentials to their resumé, seeking a job promotion, or maybe
10 even use this as a future campaign propaganda tool to challenge
11 Mr. Greenberg's office in Louisville or something like that.

12 And, you know, when we speak about this whole issue about,
13 you know, federal crime of terrorism, you know, is a crime that
14 is defined to influence or affect the conduct of government by
15 intimidation, coercion, or to retaliate against the conduct of
16 government, right now you have a world legion of U.S. citizens
17 and individuals from 180 countries violating the same
18 [indiscernible] in Ukraine and inside Russian Federation. And
19 everybody's going back and forth. Nobody's being charged
20 because they're not Muslim and they're fighting a,
21 quote/unquote, criminal regime, including Trevor Reed, who,
22 after being released from prison, went back over there and got
23 injured; right?

24 You know, the same issue happened in Southeast Europe.
25 Different Christian denominations were going -- on both sides of

1 the conflict fighting, and nobody's being charged, nobody's
2 being arrested. As soon as the Muslims start going to Syria,
3 all of a sudden this didn't sit well with the European Union.
4 So they imposed their will on these other countries and proposed
5 a new bill, you know, making it punishable anyone going to join
6 paramilitary organizations abroad, whether it be Syria, Ukraine,
7 or anywhere else. Make it punishable from one year to five
8 years.

9 But up until now, not one non-Muslim has been charged with
10 this new law, but hundreds of people returning from Syria have
11 been, including the ones that joined the Free Syrian Army, the
12 opposition. The same opposition that Barack Obama was
13 supporting in a proxy war. So, once again, we see that some of
14 these definitions, they have an overreach and, to my believing,
15 is just some kind of Ponzi scheme designed to target only one
16 set of people and target on the Muslims.

17 And let's be honest. There's a famous story where Donald
18 Trump always brings up about, you know, his meeting with the
19 Chinese leader Xi Jinping where he tells him -- I guess through
20 an interpreter where he tells him or try to intimidate him by
21 telling him, "Look, I just struck the Syrian government with 150
22 Tomahawk cruise missiles."

23 Is this not a federal crime of terrorism? Is this not
24 intimidation, coercion, or trying to, you know, retaliate
25 against the conduct of a government? And was this government

1 illegitimate? If you say yes, then that just proves my point
2 and the counsel's point. If you say no, then he needs to be
3 standing next to me to get charged as well. Or you're going to
4 say that's another presidential immunity, just like the January
5 6th insurrection?

6 You know, where's my immunity in all of this? From
7 successive, selective, vindictive prosecution? Immunity from
8 politically motivated prosecution?

9 You know, a Florida judge dismisses and throws out a case
10 because she believes it's politically motivated. A California
11 judge grants motions, dismisses counts because the person
12 happens to be the son of a president, you know. And, you know,
13 this plutocracy, you know, favoritism is no different than the
14 rest of the oligarchs and aristocrats that are around the world.
15 It's basically a flawed system, while all the while targeting
16 minorities like myself now for the second and third time and
17 possibly if I get out early maybe for the fourth time.

18 You know, at the end of the day, I believe that any sentence
19 imposed upon me today will be a continuation of injustice. With
20 that being said, you know -- with that being said, I believe if
21 the Court has an atom's weight of justice, I think you should do
22 the right thing, and I believe the right thing is an
23 unconditional discharge, my immediate release, even an apology
24 and compensation for being wrongfully detained for the past
25 three and a half years and held as some kind of, you know,

1 scapegoat or political hostage.

2 If anything else, I don't need to worry about the
3 8 U.S.C. 1452 or 424 being stripped. Just deport me. Deport me
4 back to the European continent, what you call is my native land.

5 MR. WENDELSDORF: Thank you, Mr. Ramic.

6 Thank you, Your Honor.

7 THE COURT: All right. Well, start in this case, as
8 in all cases, with the United States Sentencing Commission
9 guidelines, which suggest, based upon an offense level of 40 and
10 a criminal history category of VI, a sentence of between 360 and
11 600 months' imprisonment, but from there I'm instructed by
12 18 U.S.C. 3553(a) to impose a sentence that is sufficient, but
13 not greater than necessary, to punish the crime in this case, to
14 deter other U.S. citizens from joining with foreign terrorist
15 organizations, to promote respect for the law, to protect the
16 public, importantly to avoid unwarranted disparities among
17 similar defendants. And in doing so, I need to take into
18 account the history and characteristics of the defendant and the
19 nature and circumstances of the crime.

20 As Mr. Wendelsdorf pointed out and the PSR does too,
21 Mr. Ramic was born into a society that was torn by civil war and
22 sectarian violence. He, I think, according to the PSR,
23 witnessed his father's murder, other atrocities . He came to
24 the U.S., then to Bowling Green with as many as 6,000 other
25 Bosnians.

1 And I still remember that influx. It had a vast influence
2 on our community. Almost all for the positive. You know, to
3 this day, the Bosnian refugees that came to the United States,
4 especially to Bowling Green, have become woven into the fabric
5 of our country and have made immense contributions to this area.

6 But not Mr. Ramic. He -- and I'm not being critical of him.
7 He had an unpleasant acclimation to the United States. First in
8 Kansas, then here in Bowling Green. He was disillusioned,
9 unhappy. He was influenced at an impressionable age, in his
10 early 20s, by the extremist views of radical Sunni Muslim
11 clerics, and he developed a sincere -- what I think the evidence
12 has been clear was a sincerely held belief that he had an
13 obligation to go to war for his religion. Things might be
14 different if he had actually hooked up with Al-Qaeda in 2010.
15 There's no question that's why he went to -- or tried to go to
16 Saudi Arabia and Yemen.

17 And, frankly, it's just my impression that Al-Qaeda was
18 engaged in more acts of random violence that I do think of as
19 terrorism as opposed to the legal definition that we're dealing
20 with in this case. Again, the random acts of violence against
21 unsuspecting civilians.

22 So -- which led to his then in 2014 successfully making his
23 way to Syria to join ISIS.

24 And I do think to me this case is as important about what
25 it's not as opposed to what it is. There is no evidence that

1 Mr. Ramic undertook to engage in any acts of terrorism as -- in
2 a more common sense term of that. Again, random acts of
3 violence directed at innocent populations intended to sew terror
4 among general population. There were no bombs. There were no
5 horrible incidents of gun violence against crowds. There was --
6 what he did was he went to join an army, and that's what he did.

7 To me, probably the most significant piece of evidence in
8 terms of what Mr. Ramic actually did was the form that ISIS had
9 when he -- when Ramic enlisted, and it lists all of the kinds of
10 information that a standard army would be expected to have for
11 its soldiers, including, you know, a box to check as to whether
12 he wanted to be a fighter or a martyr or a suicide bomber. But
13 he wanted to be a fighter. He wanted to fight a war. I think
14 the evidence was clear that he wanted to fight for a caliphate
15 where the Sunni Muslims would require strict adherence to sharia
16 law.

17 And I think to most Christians, most Americans, maybe most
18 Muslims, that is an extreme version of their religion.
19 Nevertheless, that's what he believed, and that's what he went
20 to help create. He joined as a soldier, and that's what he did.
21 He fought as a soldier. If there was evidence that Mr. Ramic
22 had engaged in any acts of senseless violence against innocent
23 people, I think this case would be completely different.

24 So in terms of punishing his actions, there's no question
25 that he violated these three charges, these three counts of the

1 indictment, and that we need to deter American citizens from
2 going to work with foreign terrorist organizations.

3 But one of the big factors, ultimately, that I see is
4 avoiding unwarranted disparities among similar defendants, and
5 in that regard, we've got statistical data from other defendants
6 who have been convicted of similar-based crimes, of the same
7 base crime, and have the identical criminal history and offense
8 level as Mr. Ramic. The average of those defendants have been
9 sentenced to 220 months in prison. A median sentence has been
10 imposed of 168 months. And I frankly don't have a whole lot of
11 texture to what these other defendants did, these other folks
12 who have been convicted of the same crime.

13 Frankly, given the nature of the participation in an
14 organized army intent on capturing a piece of territory for the
15 creation of their own state, I tend to view this more along the
16 median of 168 months. Against that period of 168 months, there
17 seems to be no question in my mind that Mr. Ramic deserves
18 credit for the 67 months he served in a Turkish prison, which
19 then results in a sentence of 101 months.

20 And it is therefore the judgment of the Court that Mr. Ramic
21 will be committed to the custody of Bureau of Prisons for a term
22 of 101 months as to Counts 1 and 2, which shall be served
23 concurrently, for a term of 101 months. With regard to Count 3
24 of the indictment, because I think otherwise if I sentence him
25 to any time in prison on that one, I don't think I could credit

1 him with the time served or at least I'm concerned I can't, I'm
2 going to impose a fine on Count 3 of \$25,000.

3 And upon release from imprisonment, he'll be placed upon
4 supervision or supervised release for a term of life as to each
5 of Counts 1, 2, and 3, which shall be served concurrently, for a
6 term of life. While on supervision, Mr. Ramic will be required
7 to abide by the standard conditions of supervision adopted by
8 the Court as well as the special conditions that were outlined
9 in Subpart G of the presentence report. Those conditions
10 include that, if deported, Mr. Ramic may not re-enter the United
11 States without written permission of the Secretary of Homeland
12 Security, participation in mental health treatment, a number of
13 computer- and technology-based restrictions, and a search and
14 seizure condition.

15 Mr. Ramic will be required to pay a special penalty
16 assessment fee of \$100 as to each count of conviction, for a
17 total of \$300.

18 Restitution is not an issue in this case. The cost of
19 investigation, prosecution, incarceration, and supervision will
20 be waived due to the defendant's inability to pay. But, of
21 course, the \$25,000 fine will be imposed.

22 Having considered 18 U.S.C. 3553(a) and the advisory
23 guidelines, which produce a total offense level of 40 and a
24 criminal history category of VI, the advisory guideline ranges
25 are 360 months' to 600 months' imprisonment, a fine of 50,000 to

1 250,000 dollars, and 1 to 3 years of supervision. Based on the
2 reasons that I have given, I do believe that a sentence of 101
3 months' custody for Counts 1 and 2, a fine of \$25,000 as to
4 Count 3, I believe, is sufficient, but not greater than
5 necessary, to comply with the purposes set forth in the statute.

6 Mr. Wendelsdorf, are there any objections to the sentence
7 pronounced or conditions imposed which have not previously been
8 raised?

9 MR. WENDELSDORF: No, Your Honor. Thank you.

10 THE COURT: All right.

11 All right. Mr. Ramic, you've got the right to appeal your
12 case to the Sixth Circuit Court of Appeals, which on proper
13 appeal will review the case and determine whether there's been
14 an error of law. If you don't have sufficient money to pay for
15 the appeal, you have the right to apply for leave to appeal in
16 forma pauperis, which means you may appeal without having to pay
17 for it. If you're without the services of an attorney and
18 desire to appeal and so request, the Clerk of this Court will
19 prepare a notice of appeal on your behalf. A notice of appeal
20 must be filed within 14 days from the entry of judgment.

21 If you don't have sufficient funds to employ an attorney,
22 the Court of Appeals may appoint your present attorney or
23 another attorney to prosecute the appeal for you.

24 You may also request to be released on reasonable bond
25 pending the appeal.

1 We've got a form for you to sign acknowledging that I
2 advised you of these rights.

3 | Mr. Wendelsdorf, anything further?

4 MR. WENDELSDORF: No, sir. Thank you, Judge.

5 THE COURT: All right. Mr. Judd, anything further?

6 MR. JUDD: Yeah. Just for the record, Judge,
7 because -- for appeal purposes, the United States would have to
8 object to the sentence.

9 THE COURT: Very well.

10 MR. JUDD: Thank you.

11 THE COURT: All right. We're adjourned.

12 | (End of proceedings.)

13

14

C E R T I F I C A T E

15 I am an official court reporter for the U.S. District Court
for the Western District of Kentucky and certify that the
16 foregoing is a true and correct transcript, to the best of my
ability, of the above pages, of the digital audio recording
17 provided to me by the Court of the proceedings taken on the date
and time previously stated in the above matter.

	<u>s/Terri L. Horton</u>
19	Terri L. Horton, RMR, CRR Official Court Reporter

April 22, 2025
Date

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I. U.S.S.G. § 3A1.4. Terrorism

- (a) If the offense is a felony that involved, or was intended to promote, a federal crime of terrorism, increase by 12 levels; but if the resulting offense level is less than level 32, increase to level 32.
- (b) In each such case, the defendant's criminal history category from Chapter Four (Criminal History and Criminal Livelihood) shall be Category VI.

Commentary

Application Notes:

- 1. “Federal Crime of Terrorism” Defined.—For purposes of this guideline, “*federal crime of terrorism*” has the meaning given that term in 18 U.S.C. § 2332b(g)(5).
- 2. Harboring, Concealing, and Obstruction Offenses.—For purposes of this guideline, an offense that involved (A) harboring or concealing a terrorist who committed a federal crime of terrorism (such as an offense under 18 U.S.C. § 2339 or § 2339A); or (B) obstructing an investigation of a federal crime of terrorism, shall be considered to have involved, or to have been intended to promote, that federal crime of terrorism.
- 3. Computation of Criminal History Category.—Under subsection (b), if the defendant's criminal history category as determined under Chapter Four (Criminal History and Criminal Livelihood) is less than Category VI, it shall be increased to Category VI.

U.S.S.G. § 3A1.4 (bold removed).

II. 18 U.S.C. § 11. Foreign government defined

The term “foreign government”, as used in this title except in sections 112, 878, 970, 1116, and 1201, includes any government, faction, or body of insurgents within a country with which the United States is at peace, irrespective of recognition by the United States.

18 U.S.C. § 11.

III. 18 U.S.C. § 1116. Murder or manslaughter of foreign officials, official guests, or internationally protected persons

(b) For the purposes of this section:

(2) “Foreign government” means the government of a foreign country, irrespective of recognition by the United States.

18 U.S.C. § 1116(b)(2) (bold removed).

IV. 18 U.S.C. § 2332b. Acts of terrorism transcending national boundaries

(g) Definitions.--As used in this section--

(5) the term “Federal crime of terrorism” means an offense that—

(A) is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct; and

(B) is a violation of--

(i) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175 or 175b (relating to biological weapons), 175c (relating to variola virus), 229 (relating to chemical weapons), subsection (a), (b), (c), or (d) of section 351 (relating to congressional, cabinet, and Supreme Court assassination and kidnapping), 831 (relating to nuclear materials), 832 (relating to

participation in nuclear and weapons of mass destruction threats to the United States)¹ 842(m) or (n) (relating to plastic explosives), 844(f)(2) or (3) (relating to arson and bombing of Government property risking or causing death), 844(i) (relating to arson and bombing of property used in interstate commerce), 930(c) (relating to killing or attempted killing during an attack on a Federal facility with a dangerous weapon), 956(a)(1) (relating to conspiracy to murder, kidnap, or maim persons abroad), 1030(a)(1) (relating to protection of computers), 1030(a)(5)(A) resulting in damage as defined in 1030(c)(4)(A)(i)(II) through (VI) (relating to protection of computers), 1114 (relating to killing or attempted killing of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1361 (relating to government property or contracts), 1362 (relating to destruction of communication lines, stations, or systems), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366(a) (relating to destruction of an energy facility), 1751(a), (b), (c), or (d) (relating to Presidential and Presidential staff assassination and kidnaping), 1992 (relating to terrorist attacks and other acts of violence against railroad carriers and against mass transportation systems on land, on water, or through the air), 2155 (relating to destruction of national defense materials, premises, or utilities), 2156 (relating to national defense material, premises, or utilities), 2280 (relating to violence against maritime navigation), 2280a (relating to maritime safety), 2281 through 2281a (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2332f (relating to bombing of public places and facilities), 2332g (relating to missile systems designed to destroy aircraft), 2332h (relating to radiological dispersal devices), 2332i (relating to acts of nuclear terrorism), 2339 (relating to harboring terrorists), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), 2339C (relating to

financing of terrorism), 2339D (relating to military-type training from a foreign terrorist organization), or 2340A (relating to torture) of this title;

(ii) sections 92 (relating to prohibitions governing atomic weapons) or 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2122 or 2284);

(iii) section 46502 (relating to aircraft piracy), the second sentence of section 46504 (relating to assault on a flight crew with a dangerous weapon), section 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life by means of weapons, on aircraft), section 46506 if homicide or attempted homicide is involved (relating to application of certain criminal laws to acts on aircraft), or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49; or

(iv) section 1010A of the Controlled Substances Import and Export Act (relating to narco-terrorism).

18 U.S.C. § 2332b(G)(5) (bold removed).

V. 18 U.S.C. § 2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities

(e) Definitions.--As used in this section, the term—

(12) “state” has the same meaning as that term has under international law, and includes all political subdivisions thereof.

18 U.S.C. § 2332f(e)(12) (bold removed).